



3 1223 07661 7688



# PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER (415) 558-6378	DIRECTOR'S OFFICE PHONE: 558-6411 4TH FLOOR FAX: 558-6426	ZONING ADMINISTRATOR PHONE: 558-6350 5TH FLOOR FAX: 558-6409	PLANNING INFORMATION PHONE: 558-6377 MAJOR ENVIRONMENTAL FAX: 558-5991	COMMISSION CALENDAR INFO: 558-6422 INTERNET WEB SITE WWW.SFGOV.ORG/PLANNING
-------------------------------	--	---	---	--

## MITIGATED NEGATIVE DECLARATION

**Date of Publication of Preliminary Mitigated Negative Declaration:** February 19, 2005, Amended July 14, 2005

**Lead Agency:** Planning Department, City and County of San Francisco  
1660 Mission Street, Suite 500, San Francisco, CA 94103

**Agency Contact Person:** Nannie Turrell **Telephone:** (415) 558-5994

**Project Title:** 2004.0220E – 1840 Washington Street Residential Development

**Project Sponsor/Contact:** Marie Zeller, Patri Merker Architects **Telephone:** (415) 284-1100

**Project Address:** 1840 Washington Street

Block 0599, Lot 008

San Francisco

5/S

The proposed project involves the construction of an approximately 45,043-gross-foot-high residential building, which would include about 31,763 gsf of building area, and 13,280 gsf of parking (34 off-street parking spaces). The project would include the demolition of an existing 7,500 gsf, one-story-plus-mezzanine, building and the elimination of ten existing off-street parking spaces. The project site is located mid-block on the north side of Washington Street (Block 0599) in the block bordered by Van Ness Avenue and Washington Street. An existing building on the project site was formerly occupied by Teevan Construction, a contractor. The site is zoned RC-4 (Residential-Commercial) and is in the Van Ness Special Use District, and an 80-D height and setback would require conditional use authorization to allow construction of a residential building in a residential district.

**Number(s), if Applicable:** Not Applicable

### HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

Criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Mitigation Declaration), and the following reasons as documented in the Initial Study for this project, which is attached.

-Over-

Mitigation measures, if any, included in this project to avoid potentially significant effects: See pages 32-37.

Final Mitigated Negative Declaration adopted and issued on July 14, 2005.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

PAULE E. MALTZER  
Environmental Review Officer

DOCUMENTS DEPT.

JUL 22 2005

SAN FRANCISCO  
PUBLIC LIBRARY

D  
REF  
711.4097  
Ei435m  
2005

Project Sponsor  
Distribution List  
Propeza/1660 Mission Posting  
Armandez/Master Decision File

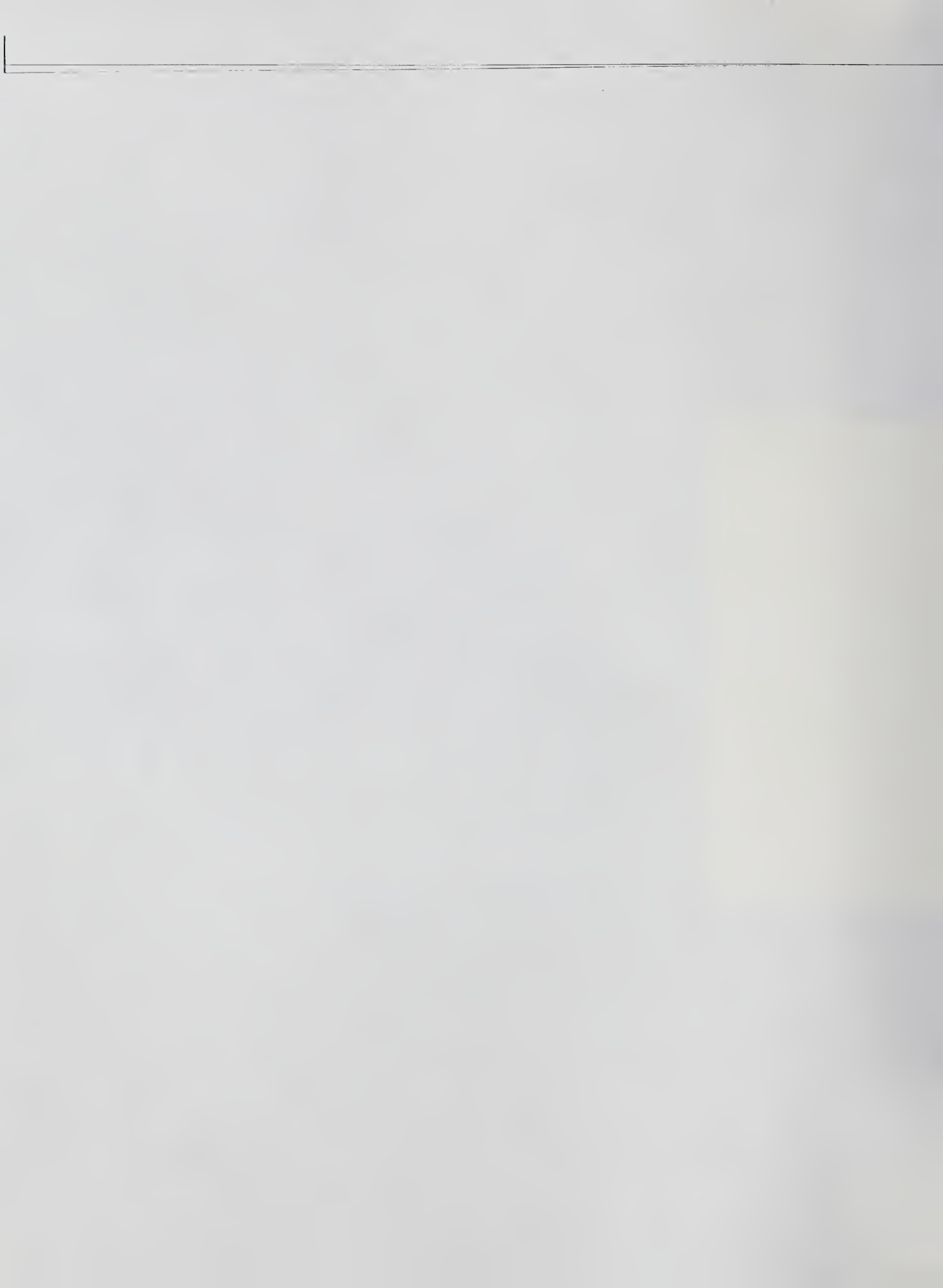
San Francisco Public Library



Government Information Center  
San Francisco Public Library  
100 Larkin Street, 5th Floor  
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the Library





# PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER <b>(415) 558-6378</b>	DIRECTOR'S OFFICE PHONE: 558-6411 4TH FLOOR FAX: 558-6426	ZONING ADMINISTRATOR PHONE: 558-6350 5TH FLOOR FAX: 558-6409	PLANNING INFORMATION PHONE: 558-6377 MAJOR ENVIRONMENTAL FAX: 558-5991	COMMISSION CALENDAR INFO: 558-6422 INTERNET WEB SITE WWW.SFGOV.ORG/PLANNING
--------------------------------------	--	---	---	--

## MITIGATED NEGATIVE DECLARATION

**Date of Publication of Preliminary Mitigated Negative Declaration:** February 19, 2005, Amended July 14, 2005

**Lead Agency:** Planning Department, City and County of San Francisco  
1660 Mission Street, Suite 500, San Francisco, CA 94103

**Agency Contact Person:** Nannie Turrell **Telephone:** (415) 558-5994

**Project Title:** 2004.0220E – 1840 Washington Street Residential Development

**Project Sponsor/Contact:** Marie Zeller, Patri Merker Architects **Telephone:** (415) 284-1100

**Project Address:** 1840 Washington Street

**Assessor's Block and Lot:** Block 0599, Lot 008

**City and County:** San Francisco

**Project Description:** The proposed project involves the construction of an approximately 45,043-gross-square-foot (gsf), eight-story, 80-foot-high residential building, which would include about 31,763 gsf of residential use (26 dwelling units), and 13,280 gsf of parking (34 off-street parking spaces). The proposed project would also include the demolition of an existing 7,500 gsf, one-story-plus-mezzanine, vacant warehouse building, and the elimination of ten existing off-street parking spaces. The approximately 7,021-square-foot (sf) project site is located mid-block on the north side of Washington Street (Assessor's Block 599, Lot 8) in the block bordered by Van Ness Avenue and Washington, Franklin and Jackson Streets. The existing building on the project site was formerly occupied by Teevan Restoration, a painting/restoration contractor. The site is zoned RC-4 (Residential-Commercial Combined District, High Density) and is in the Van Ness Special Use District, and an 80-D height and bulk district. The proposed project would require conditional use authorization to allow construction of a building more than 40 feet in height in a residential district.

**Building Permit Application Number(s), if Applicable:** Not Applicable

### THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

-Over-

Mitigation measures, if any, included in this project to avoid potentially significant effects: See pages 32-37.

Final Mitigated Negative Declaration adopted and issued on July 14, 2005.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

PAUL E. MALTZER  
Environmental Review Officer

- cc: Project Sponsor
- Distribution List
- M. Oropeza/1660 Mission Posting
- L. Fernandez/Master Decision File

DOCUMENTS DEPT.

JUL 22 2005

SAN FRANCISCO  
PUBLIC LIBRARY



Digitized by the Internet Archive  
in 2014

<https://archive.org/details/mitigatednegativ2005sanf>

**INITIAL STUDY**  
**2004.0220E – 1840 Washington Street**

**PROJECT DESCRIPTION**

The proposed project involves the construction of an approximately 45,043-gross-square-foot (gsf), eight-story, 80-foot-high residential building, which would include about 31,763 gross square feet (gsf) of residential use (26 dwelling units), and 13,280 gsf of parking (34 off-street parking spaces). The proposed project would also include the demolition of an existing 7,500 gsf, one-story-plus-mezzanine, vacant warehouse building, and the elimination of ten existing off-street parking spaces. The approximately 7,021-square-foot (sf) project site is located mid-block on the north side of Washington Street (Assessor's Block 599, Lot 8) in the block bordered by Van Ness Avenue and Washington, Franklin and Jackson Streets (see Figures 1 and 2). Teevan Restoration, a painting/restoration contractor, occupied the existing building on the project site. The site is zoned RC-4 (Residential-Commercial Combined District, High Density) and is in the Van Ness Special Use District, and an 80-D height and bulk district. The proposed project would require conditional use authorization to allow construction of a building more than 40 feet in height in a residential district.

Access to the proposed building would be from Washington Street. The basement and first floor levels of the proposed structure would contain 17 full-sized parking spaces, 15 compact parking spaces, one handicapped parking space and one van parking space (see Figures 3 and 4). The project would provide seven bicycle parking spaces. The first floor would also contain the elevator lobby, and stairs to the upper floors. The 1,286-sf rear yard at the first residential level (second floor) would provide common open space for the 26 units. The second floor would contain two one-bedroom units and two two-bedroom units in addition to 1,286-gsf of open space (see Figure 5). The third through seventh floor would each contain two one-bedroom and two two-bedroom units. The eighth floor would contain two two-bedroom units, with private open space terraces (see Figure 6). Figure 7 shows the Roof Plan and Figure 8 shows a longitudinal section of the proposed building. Project construction cost is estimated at approximately \$6 million dollars. The project sponsor is 1840 Washington Associates, LLC, and the architect is Patri Merker Architects.

**PROJECT SETTING**

The project site is located near Pacific Heights, one-half block west of Van Ness Avenue. The parcel is located within the Van Ness Special Use District, which extends about one-half block on either side of Van Ness Avenue from McAllister Street to Chestnut Street. The site is zoned RC-4 (Residential-Commercial Combined Districts, High Density), and is in an 80-D height and bulk district. The project vicinity is primarily residential and the project site is bordered by residential uses to the north, east, and west. Adjacent to the project site on the west is a five story residential building. On the east is a nine story residential building. Across Washington Street from the project site is the four-story Academy of Arts. Retail uses within a three-block radius include a gas station, a dry cleaner, an auto repair shop, restaurants, a bank, office supply and copying shops and a car dealer. These commercial uses are located on Van Ness Avenue and Polk Street. Uses west of the project site are predominantly residential. Buildings in the vicinity are generally three to twelve stories in height but are predominantly four to five stories.

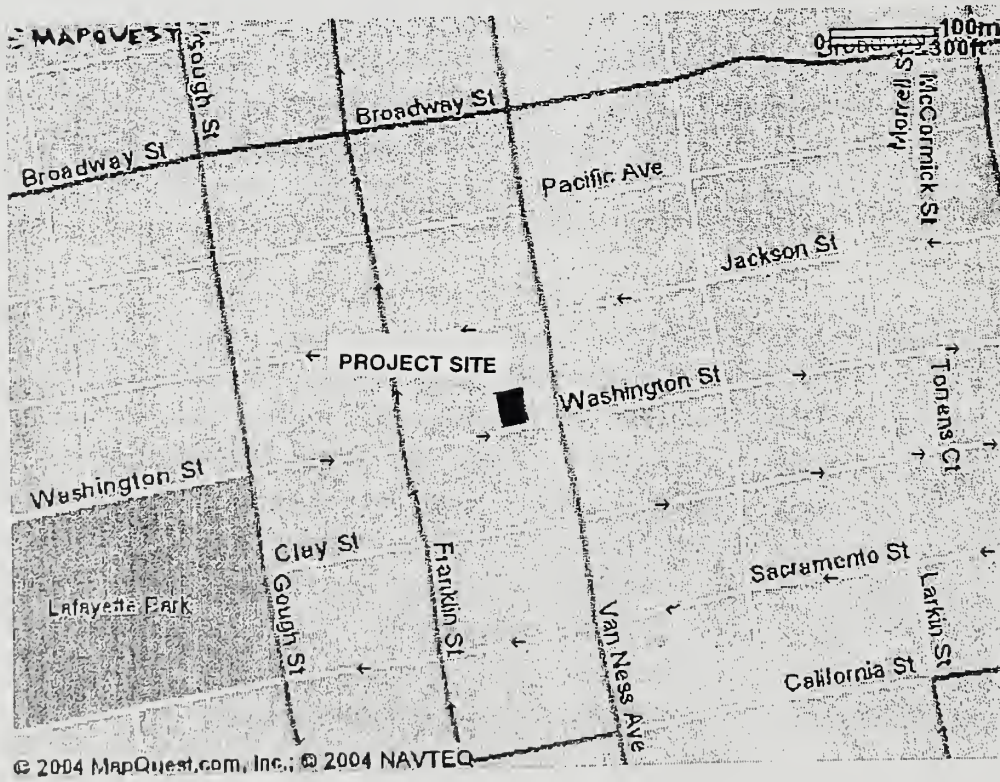
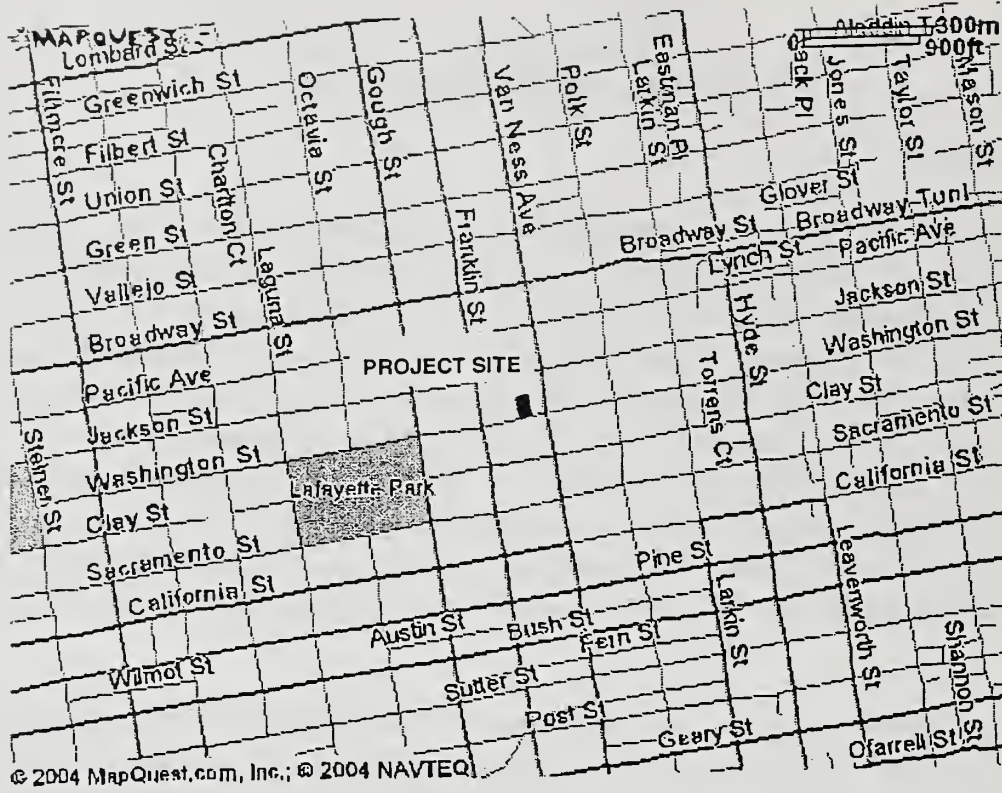


Figure 1  
Project Location

Not To Scale

Source: MapQuest

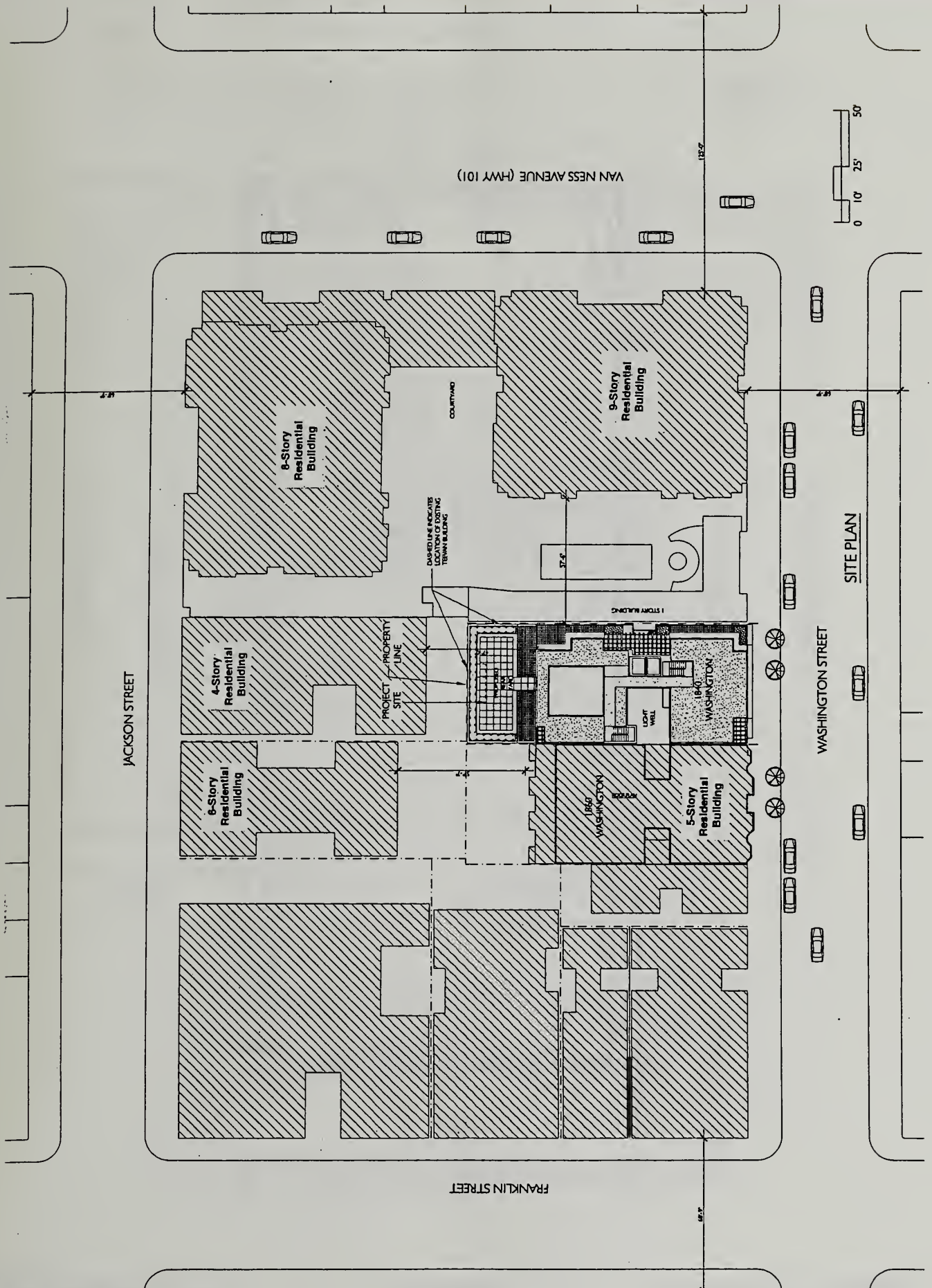


Figure 2  
Site Plan

Not to Scale

Source: Patri.Merker Architects

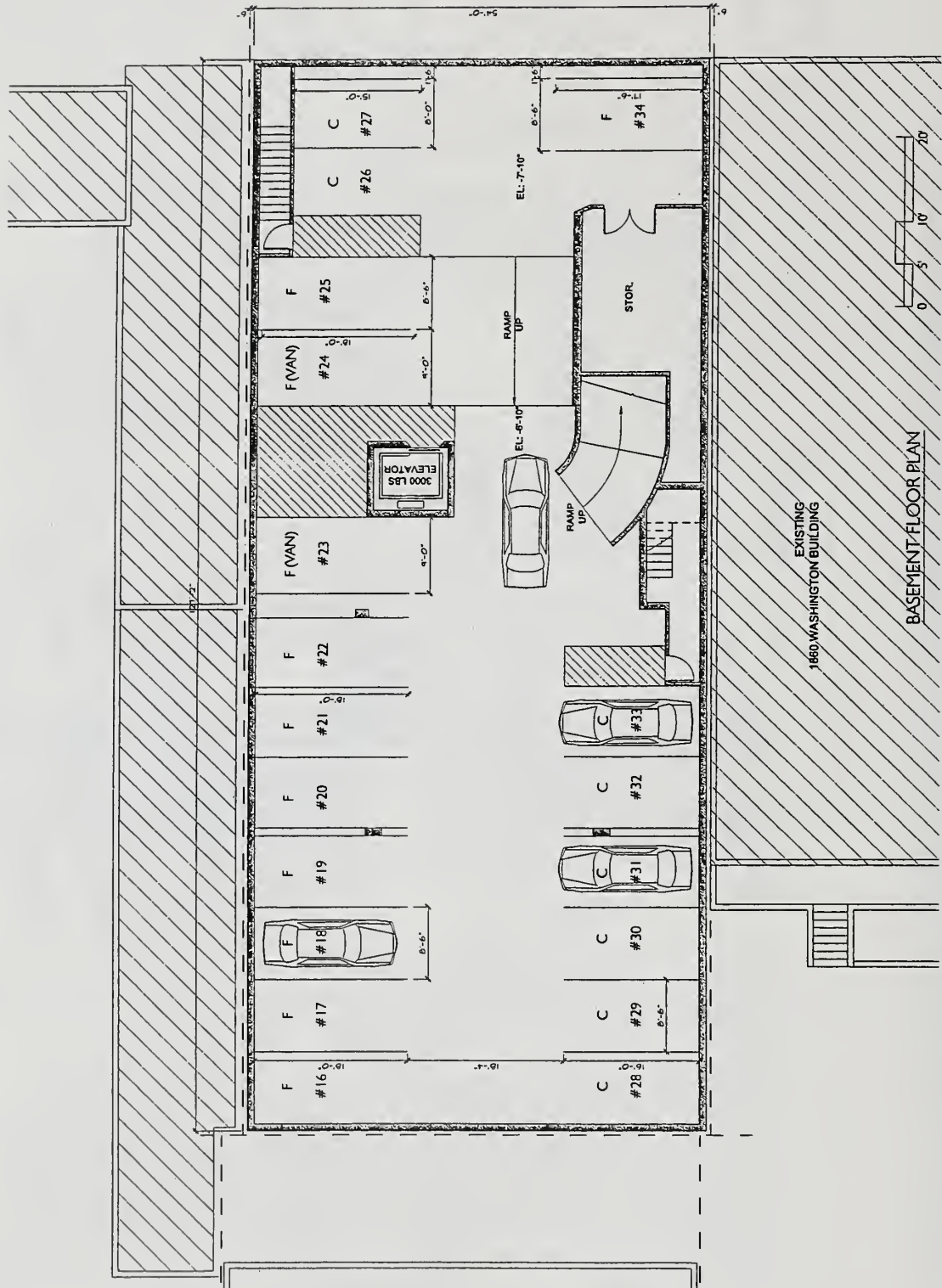


Figure 3  
Basement Floor Plan

Not to Scale

Source: Patri Merker Architects



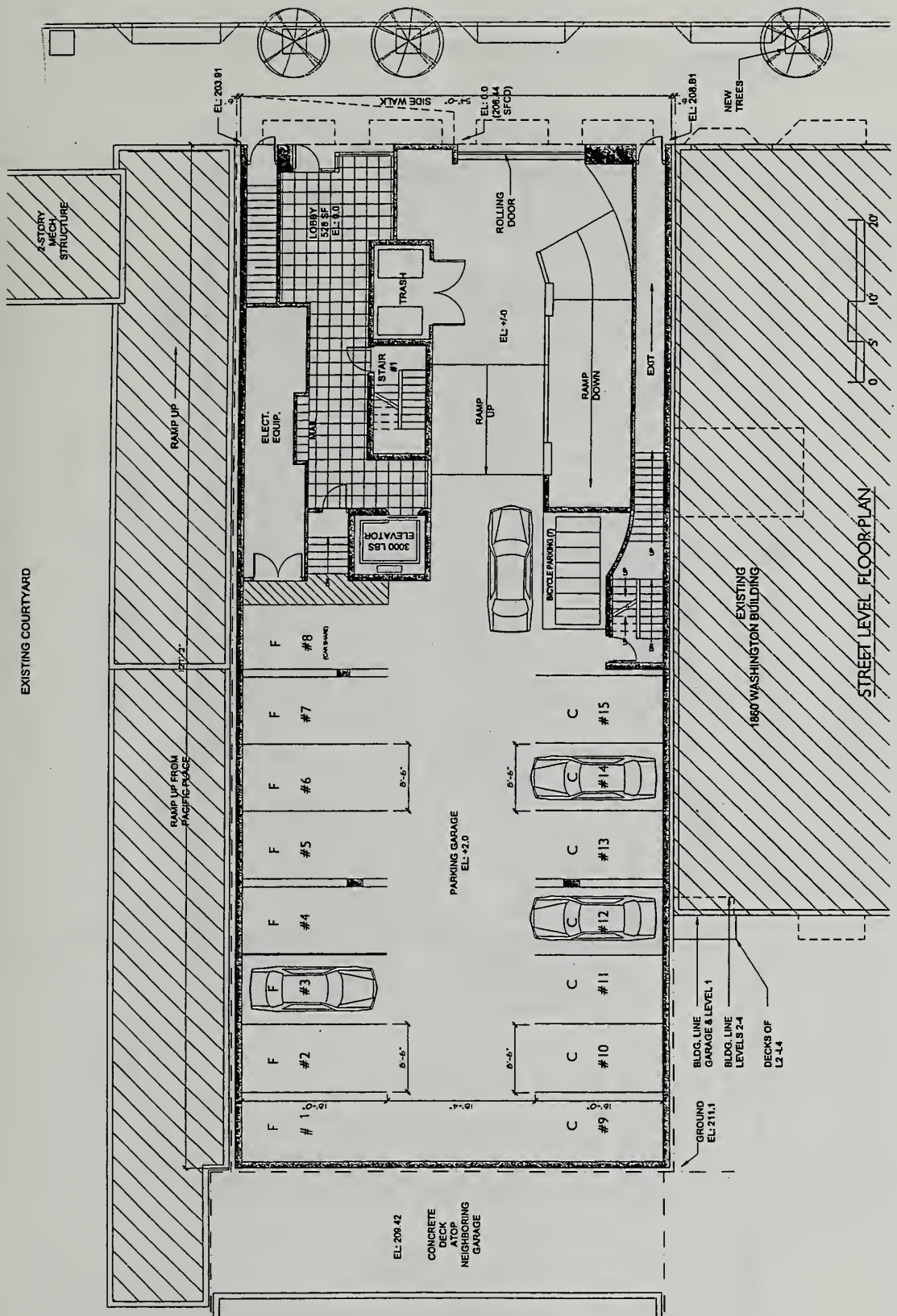


Figure 4  
Ground Floor Plan

Not to Scale

Source: Patri Merker Architects

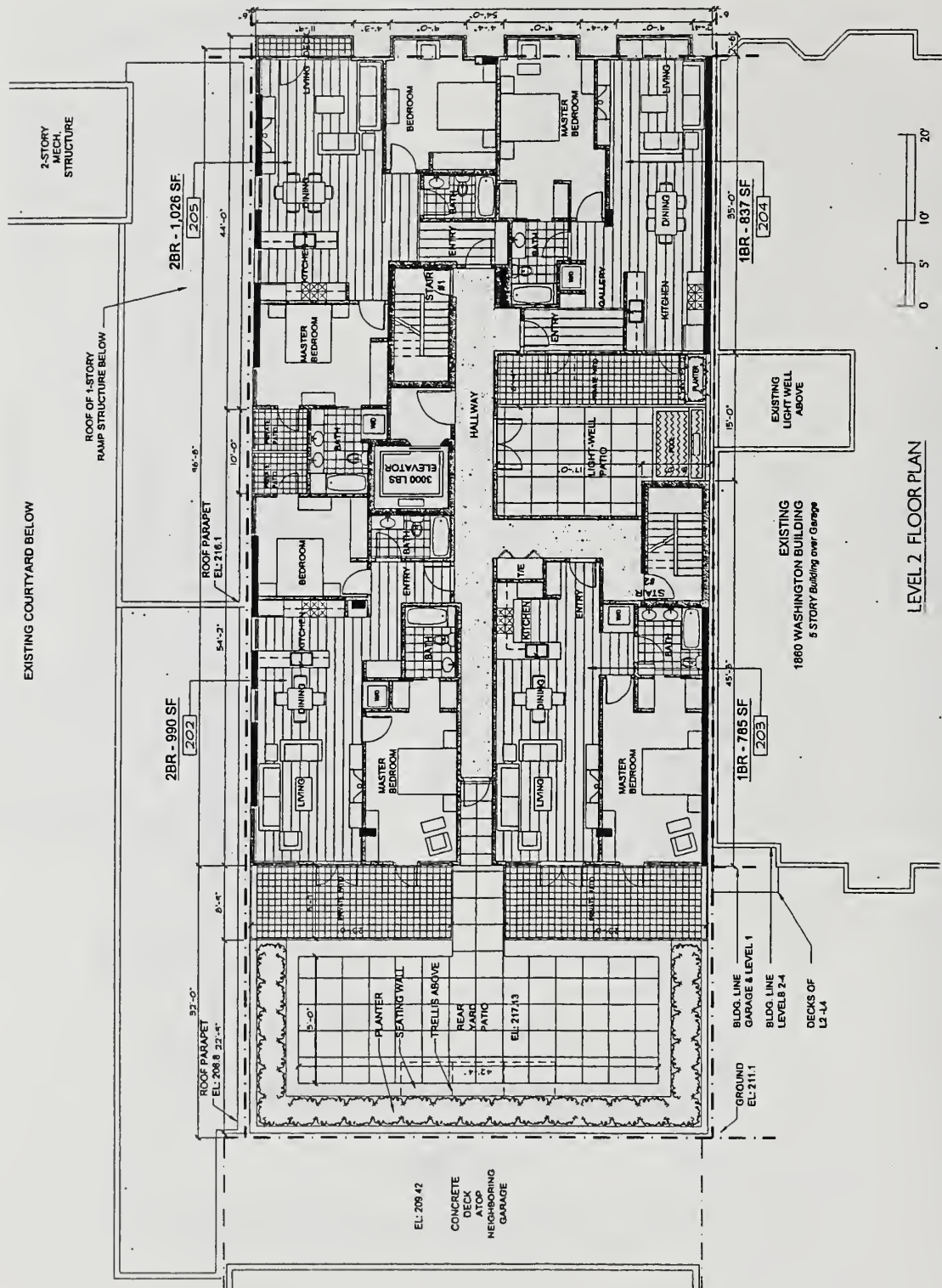


Figure 5  
Second Floor Plan

Not to Scale

Source: Patri Merker Architects

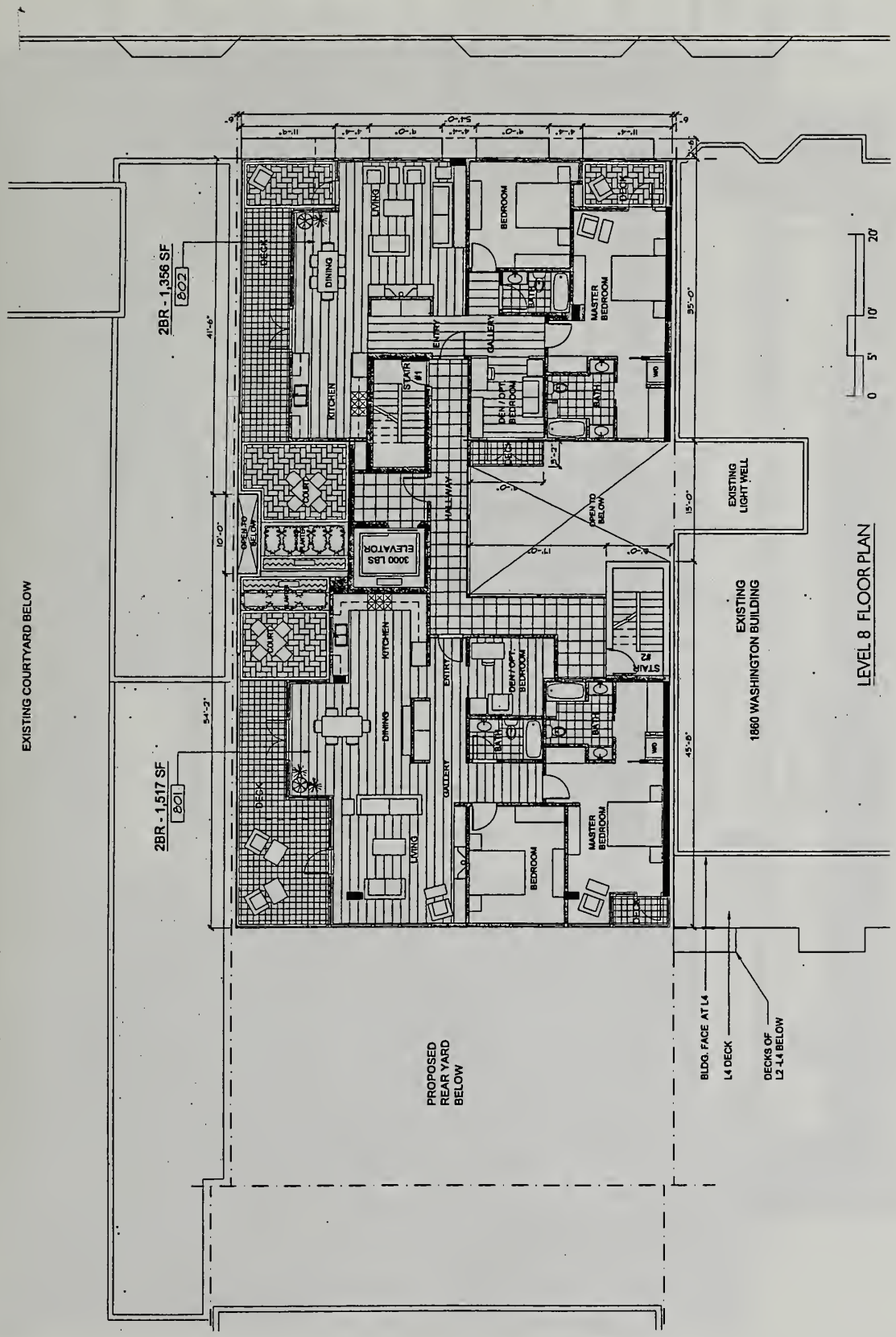


Figure 6  
Eighth Floor Plan

Not to Scale

Source: Patri Merker Architects

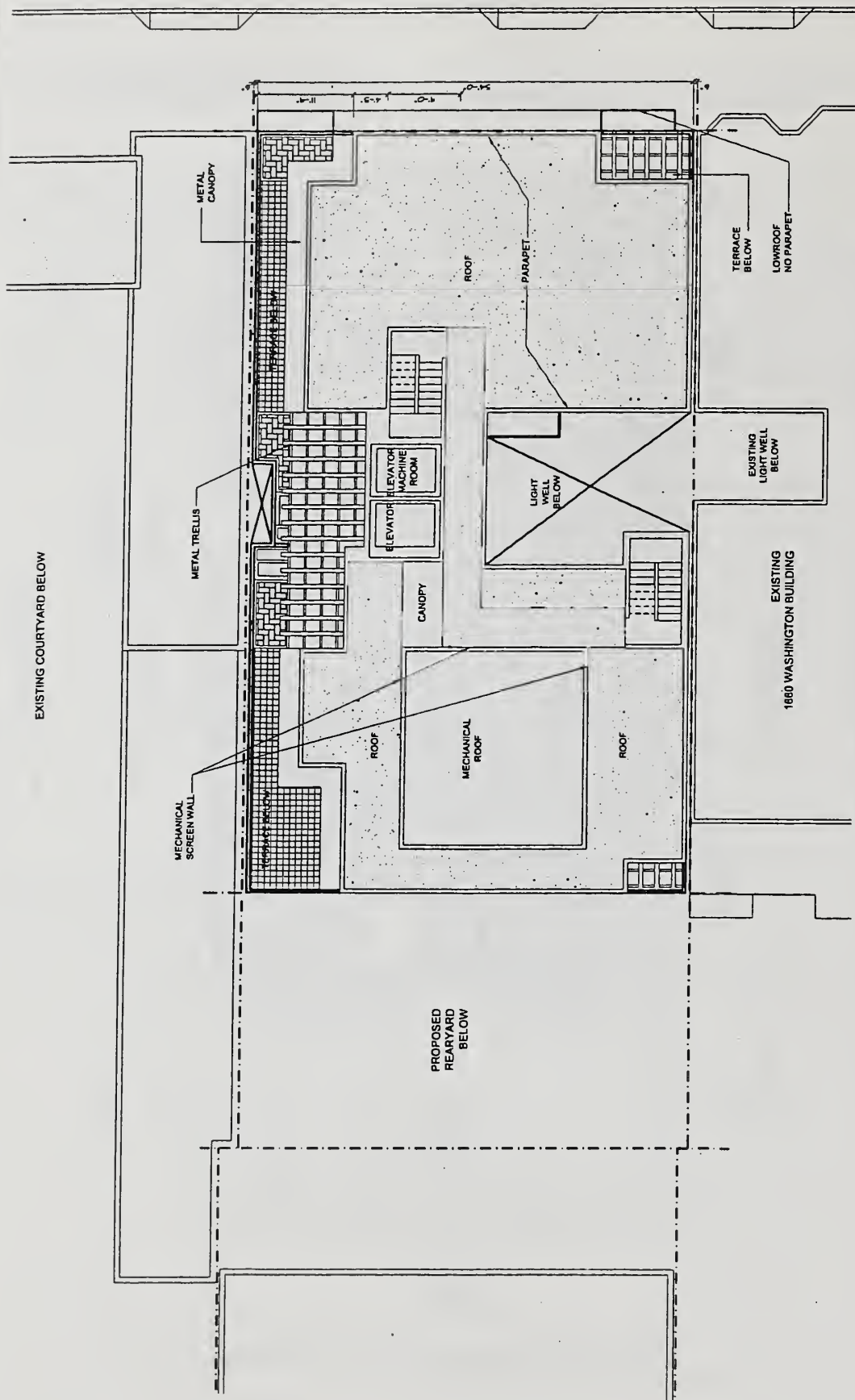


Figure 7  
Roof Plan

Not to Scale

Source: Patri Merker Architects

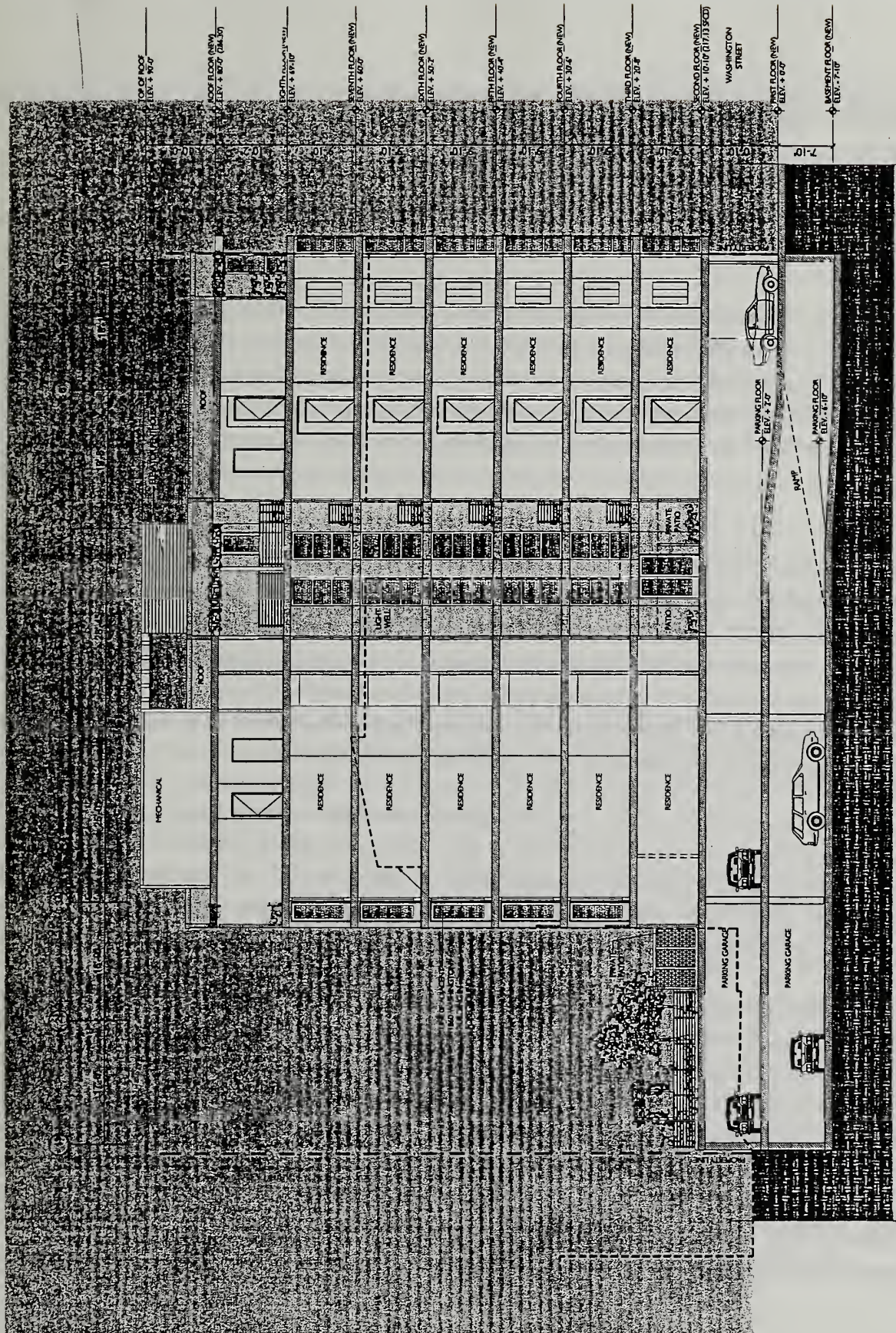


Figure 8  
Longitudinal Section

Not to Scale

Source: Patri Merker Architects

<u>A. COMPATIBILITY WITH EXISTING ZONING AND PLANS</u>	<u>Not</u> <u>Applicable</u>	<u>Discussed</u>
1) Discuss any variances, special authorizations, or changes proposed to the City Planning Code or Zoning Map, if applicable.	—	<u>X</u>
2) Discuss any conflicts with any adopted environmental plans and goals of the City or Region, if applicable.	—	<u>X</u>

The *San Francisco Planning Code (Planning Code)*, which incorporates by reference the City’s Zoning Maps, governs permitted uses, densities, and the configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the proposed project conforms to the *Planning Code*, or an exception is granted pursuant to provisions of the *Planning Code*. Approval of the proposed project would result in a change of use from commercial to residential development and the construction of an eight-story building containing 29 units. The specific impacts of this proposed development are discussed below under the relevant topic heading.

The proposed residential use is a principally permitted use in the RC-4 (Residential-Commercial Combined High Density) zoning district. While the RC-4 zoning district allows one unit per 200 square feet, which for the site would be 35 units maximum (*Planning Code* Section 209.1(1)), restrictions on residential density per *Planning Code* Section 209.1 do not apply within the Van Ness Special Use District (*Planning code* Section 243(c)(2)). The proposed project includes construction of a total of 26 units on the project site, which would be allowed under Section 243(c)(2). Three of the proposed 26 units would be affordable to qualifying households, which would meet the affordable housing requirement under *Planning Code* Sections 315.3(a)(2) and 315.4(a)(2).

Pursuant to *Planning Code* Sections 151 and 204.5, the project would be required to provide 29 off-street parking spaces (one space for each unit), and could include up to 150 % of the required number of spaces, or 43 spaces. By providing 34 off-street parking spaces the proposed project is in conformance with the *Planning Code*. The project would also provide seven bicycle parking spaces. Six spaces are required by *Planning Code* Sections 155.2(a)(2) and 155.2(c)(1). No loading spaces would be required under Section 152 of the *Planning Code*, and none are proposed.

The proposed project is in an 80-D height and bulk district, which per Section 270 of the *Planning Code*, limits maximum dimensions above the 40-foot height to 110 feet in length and 140 feet diagonally. The proposed structure would have a maximum length of 101 feet-8 inches in length, and 112 feet-3 inches diagonally. The project would therefore conform to Section 270. Pursuant to *Planning Code* Section 253.2(a), the proposed project would require conditional use authorization to allow construction of a building more than 40 feet in height in a residential district. . The Planning Commission may also require a setback of up to 15 feet for all or a portion of the building that abuts Washington Street in order to preserve the existing view corridors (Section 253.2(a)(2)). As designed the proposed project is not set back from the sidewalk, which is consistent with other buildings on the block. The proposed project would comply with all other relevant *Planning Code* requirements.

The *San Francisco General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The current project would not obviously or substantially conflict with any such policy. As part of the decision to approve, modify, or disapprove the project, the Planning

Commission will consider other potential conflicts with the *General Plan* and will weigh *General Plan* policies and decide whether, on balance, the project is consistent with the *General Plan*. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project.

The project site is located in the Van Ness Special Use District, which was created to implement the objectives and policies of the Van Ness Avenue Plan (Plan), a part of the *San Francisco General Plan*. Under Objective 1, the Van Ness Avenue Plan encourages high-density housing in the project area (from Redwood Street to Broadway). It also encourages a larger number of medium size units (1 and 2 bedrooms) rather than a smaller number of larger size units in order to maximize the number of housing units in the area, and to allow more affordable housing. Objective 5 of the Plan encourages development, which reinforces topography and urban pattern of Van Ness Avenue and gives it variety. Policies, which support this objective, establish height controls designed to create a coherent street wall along the Avenue, and to preserve existing view corridors by providing setbacks of fifteen feet along California, Pine, Sacramento, Clay, and Washington streets.

The proposed development of an eight-story residential building, containing 45,043-gsf and 26 units is generally consistent with the objectives and policies of the Van Ness Avenue Plan. In general, potential conflicts with the *General Plan* are considered by decision makers independently of the environmental review process, as part of the decision whether to approve or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project.

Environmental plans and policies are those, like the Bay Area Air Quality Management District's *1997 Clean Air Plan*, which directly address environmental issues and/or contain targets or standards, which must be met in order to preserve or improve characteristics of the City's physical environment. The current proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These policies are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character; (3) preservation and enhancement of affordable housing; (4) discouragement of commuter automobiles; (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; (6) maximization of earthquake preparedness; (7) landmark and historic building preservation; and (8) protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. The current project would not obviously or substantially conflict with any such policy as it relates to physical environmental issues. As part of its decision to approve, modify or disapprove the project, the Planning Commission will consider other potential conflicts with Priority Policies and decide whether, on balance the project is consistent with the Priority Policies.

B. ENVIRONMENTAL EFFECTS

All items on the Initial Study Checklist have been checked “No,” indicating that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect. Several of those Checklist items have also been checked “Discussed,” indicating that the Initial Study text includes discussion about that particular issue. For all of the items checked “No,” without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Department, such as the Department’s *Transportation Impact Analysis Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

1) <u>Land Use</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Disrupt or divide the physical arrangement of an established community?	—	<u>X</u>	<u>X</u>
(b) Have any substantial impact upon the existing character of the vicinity?	—	<u>X</u>	<u>X</u>

The proposed project involves the construction of an approximately 45,043-gross-square-foot (gsf), eight-story, 80-foot-high residential building, which would contain 26 dwelling units and 34 off-street parking spaces. The project site is located in an area zoned for and predominantly occupied by multi-family residential buildings. The 1840 Washington site is bordered by residential uses. The change of use on the project site would not be considered a substantial, physical land use change, because it is a principally permitted use and is consistent with the predominantly residential land uses in the area. The proposed use and structure would not be substantially or demonstrably incompatible with the existing use in the project area.

Land use impacts are considered to be significant if the proposed project would disrupt or divide the physical arrangement of an established community, or have a substantial impact upon the existing character of the vicinity. The proposed project may be perceived negatively by existing residents in the vicinity of the project who have become accustomed to the existing one-story plus mezzanine building on the project site. Nevertheless, the proposed project’s impacts relating to land use are considered less-than-significant under CEQA. The proposed project would not disrupt or divide the physical arrangements of existing uses and activities that surround it. It would be incorporated within the established street plan and would create no impediment to the passage of persons or vehicles. The project would have no significant adverse impact on the character of the immediate vicinity. It would not introduce a new or incompatible land use to the area. Rather, it would construct residential units in an area where the predominant land use is multi-story residential buildings. The nature and intensity of proposed land uses within the project area are consistent with the existing character of development. Overall, effects related to land use would not be significant.



2) <u>Visual Quality</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Have a substantial, demonstrable negative aesthetic effect?	—	<u>X</u>	<u>X</u>
(b) Substantially degrade or obstruct any scenic view or vista now observed from public areas?	—	<u>X</u>	<u>X</u>
(c) Generate obtrusive light or glare substantially impacting other properties?	—	<u>X</u>	<u>X</u>

Design and aesthetics are by definition subjective, and open to interpretation by decision makers and members of the public. A proposed project would therefore be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not cause such a change.

The proposed eight-story building at 1840 Washington would be about 80 feet tall, approximately 30 feet taller than the immediately adjacent, five-story, building at 1860 Washington Street to the west. Other mid-block buildings in the same block range from four to six stories. The south tower of Pacific Place, adjacent to the site on the east, at 1800 Washington Street (on the corner of Washington Street and Van Ness Avenue) is nine stories high. The north tower of Pacific Place, at the corner of Jackson Street and Van Ness Avenue, is eight stories high, and Jackson Tower, at the southeast corner of Jackson and Franklin Streets, is ten stories high. The project site is separated from the 1800 Washington Street building by approximately 57 feet of common open space, which includes a one-story building on the property line with the project site, a swimming pool and patio area with landscaping.

At eight stories, the proposed project would be taller than other mid-block buildings in the project block, but would be consistent with the Pacific Place and Jackson Tower buildings. The project would be consistent with the visual character of the neighborhood, and with the 80-D height and bulk district. The proposed project would not have a substantial, demonstrable negative aesthetic effect within its urban setting because of its consistency of use and scale with other buildings in the immediate vicinity of the project site.

The proposed project would not substantially degrade or obstruct any scenic view or vista now observed from a public area. There are no existing public scenic views or vistas available from the project site or its vicinity. Lafayette Park is approximately two blocks west of the project site. Views from Lafayette Park in the direction of the project site are blocked by existing intervening buildings.

Three units in the top (ninth) floor and the eighth floor of the south tower of Pacific Place would have their view of Lafayette Park blocked. Existing views show the full height of trees in the park. Views with the proposed development would show only the tops of those same trees. Views of the park from the three units on the eighth floor facing west could be blocked completely. Based on the sloping topography to the intervening blocks, there are no views of the park from the seventh floor or lower of the south tower. Views to the park from the north tower, which is one story shorter than the south tower, are currently blocked by existing intervening buildings. The proposed project would potentially increase shade in a total of six units with either a kitchen or bedroom onto the lightwell of the 1860 Washington Street building. The fifth floor deck of 1860 Washington Street building, which faces the rear yard (north) and has exposure to the east, would also receive increased shade, because the proposed building would be two floors higher than this deck. Although some reduced private views and increased shade would be an unavoidable consequence of the project

and would be an undesirable change for those individuals affected, the proposed project would not substantially degrade or obstruct scenic views from public areas. As indicated herein, impacts on private views are limited.

The proposed building would not generate obtrusive light or glare because the proposed uses would not generate substantially more light or glare than do the existing residential uses in the area. Furthermore, the project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. For these reasons, the proposed project would not generate obtrusive light and glare that would substantially impact other properties.

The proposed project would not have a substantial demonstrable negative aesthetic effect; would not substantially degrade or obstruct any scenic vista observed from public areas or private views; and would not generate obtrusive light and glare. Therefore, the project would have a less-than significant impact on visual resources.

3) <u>Population</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Induce substantial growth or concentration of population?	—	<u>X</u>	<u>X</u>
(b) Displace a large number of people (involving either housing or employment)?	—	<u>X</u>	<u>X</u>
(c) Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?	—	<u>X</u>	<u>X</u>

The San Francisco Bay Area is known for its agreeable climate, open space, recreational opportunities, cultural amenities, a strong and diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support a strong demand for housing in San Francisco. Providing new housing to meet this strong demand is particularly difficult because the amount of land available is limited, and land and development costs are relatively high.

During the period of 1990-2000, the number of new housing units completed citywide ranged from a low of about 380 units (1993) to a high of about 2,065 units (1990) per year. The citywide annual average over that 11-year period was about 1,130 units.<sup>1</sup>

In March 2001, the Association of Bay Area Governments (ABAG) projected regional needs in the Regional Housing Needs Determination 1999-2006 allocation. The jurisdictional need of the City through 2006 is 20,372 dwelling units, or an average need of 2,716 net new dwelling units per year. The proposed project would add up to 26 residential units to the City's housing stock, helping meet this need.

Based on the household density factor of 1.56 persons per unit for Census Tract 131, the proposed development would house up to about 41 people.<sup>2</sup> Currently there are no residential units on the site. The increase in numbers of residents on the project site would not substantially increase the area-wide population, and the resulting density would not exceed

<sup>1</sup> San Francisco Planning Department 2003. *Residence Element Update – Final Draft for Public Review*, Table I-23, p. 40. September 18.

<sup>2</sup> U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Census Tract 131, San Francisco County, California.

levels that are common and accepted in high-density urban areas such as San Francisco. Therefore, the project's population increase would not be a significant effect.

The former owner and occupant of the project site, a restoration contractor, has relocated to another site in San Francisco. Therefore no jobs will be displaced, and employment will not be affected. There would be no loss of employment in San Francisco, which has a total employment of about 628,860.<sup>3</sup> In view of the above, the proposed project would not have an adverse significant effect on population.

4) <u>Transportation/Circulation</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	—	<u>X</u>	<u>X</u>
(b) Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	—	<u>X</u>	<u>X</u>
(c) Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	—	<u>X</u>	<u>X</u>
(d) Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	—	<u>X</u>	<u>X</u>

The project site is located on Washington Street, bordered by Van Ness Avenue and Franklin Street. Washington Street is an east-west direction roadway, one-way eastbound in the vicinity of the project site to Powell Street. In the project block between Van Ness Avenue and Franklin Street, sidewalks are 15-foot wide and on-street parking is available on both sides of the street. Washington Street is a Neighborhood Pedestrian Street between Fillmore and Mason Streets

Van Ness Avenue is a major north-south arterial in the central section of San Francisco. The roadway is a part of U.S. 101 between Lombard Street and the Central Freeway. In the vicinity of the project site, Van Ness Avenue has three travel lanes in each direction, plus on-street metered parking and 15-foot sidewalks on both sides. Southbound left turn pockets are provided at Washington and Clay Street, while northbound left turn pockets are provided at Sacramento and Pine Streets.

Franklin Street is a one-way, northbound-only arterial connecting Market Street to Bay Street. In the project vicinity, Franklin is a three-lane roadway and has sidewalks and on-street parking on both sides of the street. Franklin Street is classified as a Major Arterial under the San Francisco General Plan. Major intersections in the area are controlled by traffic signals.

Within the project vicinity, Washington Street is designated in the Transportation Element of the *San Francisco General Plan* as part of the Citywide Pedestrian Network and a Neighborhood Commercial Pedestrian Streets. On these streets, primary priority is to serve pedestrians from the general vicinity. Commercial uses are generally oriented towards neighborhood serving businesses. Van Ness Avenue, Franklin, Gough, Broadway, Pine, and Bush are

<sup>3</sup> Data from Association of Bay Area Governments, *Projections 2000*, located at <http://www.abag.ca.gov/abag/overview/pub/p2000>. The employment number (about 628,860) used for San Francisco was extrapolated from the following information: the total employment projected for San Francisco in year 2020 is about 731,660 employees, and employment growth projected from 2000-2020 is about 102,800.

designated in the Transportation Element as Major Arterials, which the General Plan defines as “cross-town thoroughfares whose primary function is to link districts within the City and to distribute traffic to and from the freeways.” The above-designated major arterials also are part of the Congestion Management Program (CMP) Network and the Metropolitan Transportation System (MTS) Streets, Highways, and Freight Network.

## Traffic

The proposed project’s daily person trip generation would total about 230 person-trips per day, with 40 of those trips occurring in the p.m. peak hour. These 40 p.m. peak-hour person-trips would be distributed among various modes of transportation, including about 13 automobile person-trips, 16 transit trips, 10 walking trips, and one trip by other means. (Mode split data for residential use were based on the Planning Department’s *Transportation Impact Analysis Guidelines for Environmental Review*.) The proposed project would generate 11 p.m. peak-hour vehicle trips. These trips would consist of 8 trips inbound to the project site, and 3 trips outbound from the project site.<sup>4</sup> The estimate contains no “credit” for trips generated by the recent use on the site by the Teevan Company. When Teevan Restoration occupied the site, the business employed 16 people and on a daily basis 16 vehicles would enter the site during the a.m. peak hour and 16 vehicles would exit from the site during the p.m. peak hour. In addition five company vans and three pickup trucks kept at the project site would enter and exit the garage at least twice a day. Daily customers to the site averaged two to three.<sup>5</sup> If these vehicle trips generated by the former use on the site were factored in, the net change to p.m. peak-hour trips would be less.

Even if the vehicle trips generated by the previous site use are not considered, the number of vehicles that would be added to the p.m. peak hour by the proposed project is too low to have a perceptible effect on traffic flow on the street network serving the project area. The average driver would not discern a change in the level of delay or congestion they currently experience. Traffic flow was observed on July 20, 2004, during the p.m. peak hour at intersections of Washington Street and Van Ness Avenue, and Washington and Franklin Streets, through which all vehicle trips traveling to and from the site would pass.<sup>6</sup> (Project traffic would have less impact on intersections farther from the project site, as vehicles would tend to disperse as they travel away from the site.) On the basis of those observations and the estimated project-generated increase in traffic volume, it was concluded that traffic conditions are acceptable at these key intersections, without substantial delays, and that the proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system, nor cause existing level of service standards to be exceeded.<sup>7</sup> Therefore the proposed project would have a less-than-significant impact on traffic.

Vehicular access for the project site would be provided by a driveway on Washington Street, which is a two-lane, one-way street carrying eastbound traffic. The site driveway, with a curb cut width of about 10 feet and a garage door width of 12 feet, would serve a pair of two-way ramps, each about 10 to 12 feet wide, for the two levels of onsite parking. The two-way flow would require vehicles entering the garage to wait for vehicles exiting to clear the ramp and vice

---

<sup>4</sup> Letter Report to Anthony Chan from Jack Hutchison, P.E., Senior Transportation Engineer, Environmental Science Associates. July 27, 2004, as revised in an email from Jack Hutchison, P.E. to Nannie Turrell, June 29, 2005, to reflect revisions to the proposed project.

<sup>5</sup> Zeller, Marie, Patri Merker Architects, 2004. Email to Nannie Turrell, San Francisco Planning Department, June 1.

<sup>6</sup> Letter Report to Anthony Chan from Jack Hutchison, P.E., Senior Transportation Engineer, Environmental Science Associates. July 27, 2004.

<sup>7</sup> Ibid.

versa. Because onsite parking is expected to be used primarily by building residents, traffic flow during peak traffic periods would be predominantly in the same direction, i.e., outbound during the a.m. peak period, and inbound during the p.m. peak period. Therefore conflicting or opposing traffic flow would be minimal. The consequences of conflicting traffic flow during other periods of the day would not be expected to create a significant impact, because the relatively low traffic volumes on Washington Street during those hours would reduce potential impacts to a less-than-significant level.

Vehicles parked on the street in front of the project site can restrict the sight distance for drivers of vehicles exiting the 1800 Washington garage. This is an existing condition, which would not be exacerbated further by development of the proposed project. The project sponsor has stated the intention to request that the city install a white-curb (passenger-loading) space in front of the project site on Washington Street, similar to the one near Van Ness Avenue that serves the 1800 Washington Street building. If this white zone were installed, sight distance would improve over the existing conditions.

### **Transit**

The proposed project would generate about 16 p.m. peak-hour transit trips, which would be distributed among the public transit lines providing service to the vicinity of the project site. This minor addition to the transit system would not have a substantial or noticeable impact upon transit services in the project area or affect transit operations. The project site is well served by public transit, with both local and regional service provided nearby. There are seven Muni lines (12-Folsom, 27-Bryant, 47-Van Ness, 49-Van Ness-Mission, 76-Marin Headlands (Sundays and summers only), 1-California, 19-Polk) with stops within two blocks of the project site. Additional transit services are available via connecting Muni lines.

Regional transit service to the project site is provided to and from Marin County by Golden Gate Transit which is located one block east of the site, to and from the Peninsula by SamTrans buses that run along Mission Street, 16 blocks south of the project site, and to and from the East Bay by BART at the Civic Center station, 16 blocks south of the project site. BART links downtown San Francisco, Daly City, the San Francisco Airport, and southern areas of San Francisco with the project area.

### **Parking**

The proposed project would provide 34 off-street parking spaces, which would meet *Planning Code* requirement. Pursuant to *Planning Code* Sections 151 and 204.5, the project would be required to provide 26 off-street parking spaces (one space for each unit), and could include up to 150 % of the required number of spaces, or 39 spaces. By providing 34 off-street parking spaces the proposed project is in conformance with the *Planning Code*. The project would also provide seven bicycle parking spaces, which would meet the requirements of *Planning Code* Section 155.2(c)(1). The parking spaces would be located on the ground floor and the basement levels of the building. Based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, the proposed project would create a parking demand of about 34 daily spaces at 1840 Washington. Given that the proposed project would provide 34 parking spaces, the proposed project would fully accommodate the estimated parking demand. On-street parking in the project area consists of both metered and unmetered spaces, with an overlay control of Residential

Permit Parking Zone G.<sup>8</sup> If a white zone were created in front of the proposed building, one to two on-street parking spaces would be eliminated. The potential loss of up to two spaces would have a less-than-significant impact on parking conditions in the area.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents, should however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects. In any event, given the relatively small unmet parking demand (i.e., 3 daily spaces) and the relatively brief period of time when such a deficit would occur, the increased parking demand would not substantially alter the existing character of the area-wide parking situation.

## **Loading**

The *Planning Code* does not require off-street loading for retail use of less than 10,000 sf, or for less than 100,000 gsf of residential use. The proposed project, which contains no retail use and 31,763 gsf of residential use, would not be required to provide a loading space, and none are proposed.

---

<sup>8</sup> In the Residential Permit Parking-designated Zone G, parking is restricted to a two-hour limit (from 8:00 a.m. to 11:00 p.m., Monday through Friday, and 5:00 p.m. to 11:00 p.m., Saturday), except for neighborhood residents with parking permit stickers obtained from the City (for whom unlimited parking duration is allowed). This regulation has the effect of displacing long-term non-resident parking in favor of resident parking.

## Pedestrian and Bicycle Conditions

Pedestrian entrances to the proposed building for the lobby of the residential component of the project would be on Washington Street. Pedestrian flows would not change substantially with the proposed residential use. Any change would be accommodated on the local sidewalks, and would not result in safety concerns. The pedestrian access to the proposed building is approximately 24 feet from the vehicle exit for the building at 1800 Washington Street. This exit has a garage door that remains closed except when a vehicle exits, and the time it takes for the garage door to open provides sufficient warning to pedestrians to stand clear of the path of the existing vehicle. Therefore, potential impacts are expected to be less than significant.

Polk Street (Route 25), which is less than two blocks away from the project site. California Street (Route 310) at Van Ness Avenue extending east to Mason Street is a connector bike route. Broadway (Route 10), three blocks north of Washington Street, is an east-west bicycle route. The proposed project would not interfere with bicycle accessibility or create hazardous conditions for bicyclists.

## Construction Impacts

During the projected 12-to-15-month construction period, temporary and intermittent traffic and transit impacts would result from truck movements to and from the project site. The construction schedule would be approximately 7:30 a.m. to 4:30 p.m. weekdays. Most deliveries would be scheduled for early morning deliveries. Temporary parking demand from construction workers' vehicles and impacts on local intersections from construction worker traffic would occur in proportion to the number of construction workers who would use automobiles. The maximum number of truck trips per day during the construction period would be 6-8 during the foundation/substructure and superstructure work. The maximum number of workers on site at any one time would be 15 during the foundation/substructure work. The workers would normally park their cars on the site or use street parking. There is no pile driving anticipated, and dust-generated activities will be mitigated with water spray and covered truck hauling. The sidewalk and two street parking spaces on the northern side of Washington Street in front of the project site may be closed for 10 months to a year during construction. The left (northernmost) lane of Washington Street in the project block may have frequent closures during the concrete, substructure and superstructure phases of construction. Lane and sidewalk closures are subject to review and approval by the Department of Public Works (DPW). Although construction workers may have to circulate on streets in the vicinity of the project site to find available parking, the anticipated parking deficit would not substantially change the capacity of the existing street system or alter the existing parking conditions in the area.

In summary, the proposed project would not have a significant impact regarding Transportation/Circulation.

5) <u>Noise</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Increase substantially the ambient noise levels for adjoining areas?	—	<u>X</u>	<u>X</u>
(b) Violate Title 24 Noise Insulation Standards, if applicable?	—	<u>X</u>	<u>X</u>
(c) Be substantially impacted by existing noise levels?	—	<u>X</u>	<u>X</u>

The urban setting of the project area includes numerous potential sources of noise. Based on published scientific acoustic studies, the traffic volumes in a project area would need to approximately double to produce an increase in ambient noise levels noticeable to most people in the area. Given that the proposed development would not cause a doubling in traffic volumes, the traffic generated by the proposed project would not cause a noticeable increase in the ambient noise level in the project vicinity.

The proposed project would include mechanical equipment, such as air conditioning units and chillers, which could produce operational noise. These operations would be subject to the San Francisco Noise Ordinance, Article 29 of the San Francisco Police Code. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, effects related to operational noise would not be significant.

Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects. The Department of Building Inspection would review the final building plans to insure that the building wall and floor/ceiling assemblies meet State standards regarding sound transmission. The proposed uses on the project site would not result in a substantial increase in noise during operation.

Construction of the proposed project would temporarily increase noise in the site vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. There may be times when noise could interfere with indoor activities in nearby commercial uses. Noise impacts could be intermittently disruptive or annoying to persons nearby; however, they would be temporary in nature and limited to the period of construction.

All construction activities would be required to comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 decibels (measured as dBA; a unit of measure for sound where "A" denotes use of the A-weighted scale, which simulates the response to the human ear to various frequencies of sound) at a distance of 100 feet from the source; (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the property line of the site by five dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of the Department of Public Works authorizes a special permit for conducting the work during that period. Compliance with the Noise Ordinance is required by law and would reduce any construction noise-related impacts to a less-than-significant level.

For the reasons above, noise from the proposed project would not be considered a significant environmental impact.



6) <u>Air Quality/Climate</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	—	<u>X</u>	<u>X</u>
(b) Expose sensitive receptors to substantial pollutant concentrations?	—	<u>X</u>	<u>X</u>
(c) Permeate its vicinity with objectionable odors?	—	<u>X</u>	—
(d) Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?	—	<u>X</u>	<u>X</u>

### Air Quality

The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring detailed air quality analysis. These thresholds are based on the minimum size of projects that the District considers capable of producing air quality problems due to vehicular emissions. The project would not exceed this minimum standard. Therefore, no significant air quality impacts due to vehicular emissions would be generated by the proposed development.

During construction, air quality could potentially be affected for short periods. The demolition of the existing structure, and the movement of soils to excavate the foundation and grade the project site, while minimal, would create fugitive dust and emit criteria pollutants as a result of diesel fuel combustion. The criteria pollutants or precursors to criteria pollutants are: nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), hydrocarbons (HC), and particulate matter with a diameter of less than 10 microns (PM<sub>10</sub>). Fugitive dust is made up of particulate matter including PM<sub>10</sub>.

Construction emissions would occur in short term and temporary phases, but could still cause adverse effects on local air quality. The BAAQMD, in its CEQA Guidelines, has identified a set of feasible PM<sub>10</sub> control measures for construction activities. In order to reduce the quantity of dust generated during site preparation and construction, the project sponsor has agreed to implement Mitigation Measure 1, identified on pages 32-33. With implementation of this measure, construction air quality impacts would be reduced to a less-than-significant level.

One of the comments received in response to the Notification of Project Receiving Environmental Review was from a resident of 1860 Washington, who stated that their unit opened onto a light well that provides ventilation to the garage of their building, which is directly below. The lightwell of the proposed building would match the lightwell of the 1860 Washington building as recommended in the Residential Design Guidelines. The concern expressed was that after construction of the proposed 1840 Washington building, the fumes from the garage would not be ventilated and would enter the unit or be pushed back into the garage. Ventilation issues would be fully addressed under the Building Code. Each building must provide for its own light, ventilation, structure and other code conditions.<sup>9</sup> Therefore, the existing building at 1860 Washington Street must provide its own adequate ventilation.

<sup>9</sup> Laurence Kornfield, Chief Building Inspector, Department of Building Inspection. Email to Glenn Cabrerros. January 31, 2005

## Shadows

Section 295 of the San Francisco Planning Code was adopted in response to Proposition K (passed in November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year-round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the City Planning Commission finds the impact to be insignificant. To determine whether this project would conform to Section 295, a shadow fan analysis was prepared by the Planning Department. This analysis concluded that there would be no shadow impact from the proposed project on any property protected by Section 295.<sup>10</sup> Therefore, the proposed project would not result in any significant shadow impacts.

The San Francisco Planning Department, as a lead agency, has chosen to incorporate the issue of the sun shading effects of proposed projects on public open spaces under the jurisdiction of or to be acquired by the Recreation and Park Commission. Further, shading on a limited area of a private residence or property as indicated by the shadow studies prepared by the Project sponsor and confirmed by the Appellant's study is not considered to be a significant impact on the environment under CEQA. The project sponsor prepared shadow studies to illustrate the extent of new shadow that would result on the private pool at 1800 Washington Street. A follow-up study prepared by Environmental Vision for the Pacific Place Board of Directors confirmed the results of the sponsor's study, and compared the shadow effects on the Pacific Place pool/courtyard area associated with alternative building heights.

The Pacific Place pool/courtyard area is located in the 1800 Washington Street open space that lies between the project site and the Pacific Place South Tower (1800 Washington Street). The pool is closed during the months of December, January, and February;<sup>11</sup> nevertheless the patio is used throughout the year. Computer modeling was performed for March 21, June 21, September 21, and December 21.<sup>12</sup>

The shadow study found that that the proposed building would not cast any new shadow on the pool/patio area between the hours of 11:00 a.m. and 12:00 p.m., except during the winter months around December 21, when new shade on the non-pool area of the patio would increase by 12 percent from existing shade of 38% to new shade of 50%. By 2:00 p.m. new shade would increase to 52%. The increase around 3:00 p.m. would be 6% with the pool in 100% shade. In the spring, around March 21, shade would increase by 8% by 1:00 p.m. By 2:00 p.m. new shade on the pool/patio area would increase by 40%. In the summer, around June 21, the proposed project would result in no new shade until 2:00 p.m. when shade would increase by 3%. By 3:00 p.m. shade would increase by 13%, and by 4:00 p.m. shade would increase by 25%. On September 21, there would be no new shade on the pool until 2:00 p.m. when the increase in shade would be 18%. By 3:00 p.m. shade would increase to 40%, and by 4:00 p.m. the increase in shade would be 35%

---

<sup>10</sup> Glenn Cabrerros, San Francisco Planning Department. Letter to Marie Zeller, Patri Merker Architects.. November 12, 2004. A copy of the shadow fan analysis is available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500, as part of Case No. 2004.0220K.

<sup>11</sup> Conversation between Jenny Hau, Property Manager, Pacific Place, and Nannie Turrell, San Francisco Planning Department, January 21, 2005.

<sup>12</sup> Patri Merker Architects. 1840 Washington Shadow Study. September 28, 2004. A copy of the Shadow Study is available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500, as part of Case No. 2004.0220E.

The study prepared by Environmental Vision for the Pacific Place Board of Directors compared the shadow effects of a four-story, five-story, six-story, seven-story, and a stepped back six- to seven-story building for the summer and fall months (June 21 and September 21). This comparison shows that shadows cast under these scenarios would be less than those cast by the proposed eight-story building. On June 21 at 2:00 p.m., a four-story and a six-story building would cast no new shadow, and an eight-story building would increase shade by 2%. By 3:00 p.m., a four-story building would increase shade by 2%; a six-story building would increase shade by 8%; and an eight-story building would increase shade by 13-15%. At 4:00 p.m. a four-story building would increase shade by 7%, a six-story building would increase shade by 16%; and an eight-story building would increase shade by 24-25%. On September 21 at 2:00 p.m., a four-story building would cast no new shadow; a six-story building would increase shadow by 10%; and an eight-story building would increase shadow by 20%. At 3:00 p.m., the shadows cast by a four-story building would increase shadow by 11%; and a six-story building would increase shadow by 26% compared to 40% for an eight-story building. At 4:00 p.m., a four-story building would increase shadow by 20%; a six-story building would increase shadow by 28%; and an eight-story building would increase shade by 34-35%.

Although the increase in shadow during any time of the year may be considered an inconvenience or even a hardship by individual residents of the 1800 Washington Street building when they use the building's pool/patio area, shading on such a limited area of the building and during some portions of any given day, it is not considered a significant or adverse impact under CEQA. The height of the proposed structure will be considered by the Planning Commission when it considers whether to grant conditional use authorization."

## Wind

Ground-level wind accelerations near buildings are controlled by exposure, massing, and orientation. Exposure is a measure of the extent that the building extends above surrounding structures into the wind stream. A building that is surrounded by taller structures is not likely to cause adverse wind accelerations at ground level, while even a small building can cause wind problems if it is freestanding and exposed. The more complex the building is geometrically, the lesser the probable wind impact at ground level. Orientation determines how much wind is intercepted by the structure, a factor that directly determines wind acceleration. In general, buildings that are oriented with their wide axis across the prevailing wind direction will have a greater impact on ground-level winds than a building oriented with its long axis along a prevailing wind direction.

Prevailing winds in San Francisco are from the west and northwest. The project site is sheltered from prevailing winds by existing structures. Upwind buildings, particularly the 12-story 2040 Jackson Tower, provide substantial shelter from the strong westerly winds typical of this area. The sheltering effect of upwind buildings is amplified by the terrain, which slopes up from the site to the west. The proposed building would be eight stories tall, two stories higher than the building located directly to the west, but shorter than the 12-story 2040 Jackson Plaza building located to the northwest. The project would have little potential to cause adverse wind accelerations, because the site is largely within the "wind shadow" of nearby upwind buildings. Because the west face of the proposed structure would extend two floors above the building to the west, it could intercept wind during certain wind conditions. However, any accelerations would occur above the rooftop of the upwind building, and could not affect pedestrians along the adjacent

street. The project would have no potential to direct wind down into the private, open spaces located west, north and east of the project site.<sup>13</sup>

The Pacific Place courtyard adjacent to the project site on the east is oriented along a north-northwest/south-southeast alignment. If winds came from these directions, they would be channeled through the courtyard. These wind directions are infrequent, occurring 1.9% of the time annually and 0.7% of the time during July, the windiest month in San Francisco. The average speed when the wind blows from these directions is much lower than when it blows from prevailing wind directions. In addition, the proposed structure is partially sheltered from these winds by existing structures. For these reasons, the proposed project does not have the potential to cause adverse changes to the wind environment in pedestrian areas or private open space adjacent to or near the site.<sup>14</sup>

Wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. A wind impact evaluation was performed for the proposed project although the proposed project height on the project site is approximately 80 feet. The proposed project would not result in a structure that would be substantially taller than nearby buildings. Therefore, the proposed project would not result in adverse effects on ground-level winds.

<b>7) <u>Utilities/Public Services</u></b>	<b>- Could the Project:</b>	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Breach published national, state or local standards relating to solid waste or litter control?		—	<u>X</u>	—
(b) Extend a sewer trunk line with capacity to serve new development?		—	<u>X</u>	—
(c) Substantially increase demand for schools, recreation or other public facilities?		—	<u>X</u>	—
(d) Require major expansion of power, water, or communications facilities?		—	<u>X</u>	<u>X</u>

The proposed project is on a site that is currently served by fire, police, schools, solid waste, collection, recreational facilities, water, gas, and electricity. The proposed project would increase demand for and use of public services and utilities on the site, but not in excess of amounts expected and provided for in this area. The proposed building would be designed to incorporate water-conserving measures, such as installing low flush toilets, as required by San Francisco Building Code.

San Francisco consumers have recently experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are under investigation and are the subject of much debate. Part of the problem may be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls as a result of deregulation. The

<sup>13</sup> Ballanti, Donald, Certified Consulting Meteorologist. Letter to Anthony Chan, Worldco Company, Ltd. July 26, 2004.

<sup>14</sup> Ballanti, Donald, Certified Consulting Meteorologist. Letter to Anthony Chan, Worldco Company, Ltd. September 17, 2004.

California Energy Commission (CEC) is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the State. These facilities could supply additional energy to the power supply “grid” within the next few years. These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency. The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Therefore, the energy demand associated with the proposed project would not result in a significant physical environmental effect.

8) <u>Biology</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Substantially affect a rare or endangered species of animal or plant or the habitat of the species?	—	<u>X</u>	<u>X</u>
(b) Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species?	—	<u>X</u>	<u>X</u>
(c) Require removal of substantial numbers of mature, scenic trees?	—	<u>X</u>	<u>X</u>

The project site is covered completely with a concrete pad. There are no sensitive trees or other vegetation on the site. No rare, threatened, or endangered species exist on the project site or surrounding properties. The project site is in a developed urban area and does not support or provide habitat for any rare or endangered wildlife species, animal or plant life or habitat, nor would it interfere with any resident or migratory species. Therefore, there would be no significant impact on biological resources.

9) <u>Geology/Topography</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction).	—	<u>X</u>	<u>X</u>
(b) Change substantially the topography or any unique geologic or physical features of the site?	—	<u>X</u>	<u>X</u>

The *San Francisco General Plan Community Safety Element* contains maps that show areas of the City subject to geologic hazards. The project site is located in an area subject to ground shaking with nonstructural damage (level VII) along the San Andreas and Northern Hayward Fault in the San Francisco Bay Area (Maps 2 and 3 of the Community Safety Element). The project site is not located in or adjacent to an area of liquefaction potential, as shown in a Seismic Hazards Study Zone (SHSZ) designated by the California Division of Mines and Geology (Map 4 of the Community Safety Element). The project site is adjacent to an area subject to landslide (Map 5 in the Community Safety Element). The project site is not in an area subject to tsunami run-up, or reservoir inundation hazards (Maps 6, and 7 in the Community Safety Element).

To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when the Department of Building Inspection (DBI) reviews the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from ground shaking. Therefore, potential damage to structures from geologic hazards on the project site would be mitigated

through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code. The proposed project would not alter the topography of the site. In view of the above, the proposed project would not have a significant effect related to Geology/Topography.

10) <u>Water</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Substantially degrade water quality, or contaminate a public water supply?	—	<u>X</u>	<u>X</u>
(b) Substantially degrade or deplete ground water resources, or interfere substantially with ground water recharge?	—	<u>X</u>	<u>X</u>
(c) Cause substantial flooding, erosion or siltation?	—	<u>X</u>	—

The project would not substantially degrade water quality or contaminate a public water supply. All sanitary wastewater from the proposed building, and storm water runoff from the project site would continue to flow into the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. During operations, the proposed project would comply with all local wastewater discharge requirements. Therefore, the proposed project would not substantially degrade water quality.

The project site is completely covered by the existing building and paved surface parking lot. The project would not change the amount of impervious surface area, and would not measurably affect current runoff or groundwater. Therefore, neither groundwater resources nor runoff and drainage would be adversely affected. Overall, the proposed project would not have a significant adverse impact on water quality or supply.

11) <u>Energy/Natural Resources</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	—	<u>X</u>	—
(b) Have a substantial effect on the potential use, extraction, or depletion of a natural resource?	—	<u>X</u>	—

The proposed project would meet current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection. For this reason, it would not cause a wasteful use of energy, and the proposed project's effects on energy consumption would not be significant.

12) <u>Hazards</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?	—	<u>X</u>	<u>X</u>
(b) Interfere with emergency response plans or emergency evacuation plans?	—	<u>X</u>	<u>X</u>
(c) Create a potentially substantial fire hazard?	—	<u>X</u>	<u>X</u>

A Phase I Environmental Site Assessment (ESA)<sup>15</sup> was prepared for the project site, which is a gently sloping, rectangular-shaped parcel, developed with a reinforced concrete building constructed in 1926. The building is finished with carpet, vinyl flooring, ceiling tiles, and painted gypsum board. The building footprint covers 100% of the property. A review of historical documents for the property indicate that the building on site has been used by an auto repair facility and restoration contractor since its construction. Prior to the construction of the existing building, a residence occupied the project site. Numerous containers of paints, cleaners, varnish, solvents, adhesives, putties, and other maintenance and restoration supplies were observed stored in the garage area on the concrete floor, workbenches and shelving. Minor staining was observed on a concrete floor near a solid waste storage area. Additionally, oil spilled from the previous, auto repair use, had seeped through and stained the carpet in the office area located in the front of the building. No suspect PCB or asbestos containing electrical equipment was observed on site. Nevertheless, the staining observed on the concrete floor indicated the potential for historical releases of hazardous materials to the subsurface. The ESA concluded that although a regulatory agency directive to address potential contamination at the property was unlikely, that subsurface materials could contain contaminated media requiring special handling. The ESA recommended that a subsurface investigation be performed prior to any site development that would disturb subsurface soils.<sup>16</sup>

No evidence of dumping or landfill activities, or large-scale hazardous materials storage or usage was noted on the subject property in any historic site photographs or documents. No industrial equipment or large-scale hazardous material storage was noted in any photographs on the surrounding properties. A records search was performed to assess the potential presence of hazardous substance contamination at the subject site as a result of activities conducted on the site and properties within the ASTM (American Society for Testing Materials) designated search distance. The project site is not listed on any of the regulatory databases searched, and the database search found no recorded sites that may impacted the site based on hydraulic gradient, site distance, regulatory status, or contamination magnitude considerations.<sup>17</sup>

<sup>15</sup> AllWest Environmental, Inc. *Environmental Site Assessment, Commercial Building, 1840 Washington Street, San Francisco, California*. Prepared for CST Associates, LLC c/o Worldco Company, Ltd. January 15, 2004.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

## Total and Soluble Lead in Soils

A Subsurface Investigation was completed for the site in March 2004.<sup>18</sup> The purpose of the investigation was to assess if selected organic or inorganic compounds are present in the subsurface soils on the property at concentrations that would require special handling or disposal. Four geoprobe soil borings (B-1 through B-4) were advanced as part of the investigation, and soil samples were collected for chemical analyses from all the borings. Groundwater was not have encountered in any of the borings to the maximum depth explored of 16 feet below ground surface (bgs). Soil samples from the borings were collected at approximate depth levels of 1 to 4 feet, 4 to 8 feet, 8 to 12 feet, and 12 to 16 feet.

A review of the organic analytical results from this investigation indicate that no motor oil (TPH-mo), gasoline (TPH-g), the gasoline constituents of benzene, toluene, ethyl benzene, xylene, and any of the chlorinated volatile organics were detected in any of the five composite soil samples analyzed. Low levels (less than 10 parts per million (ppm)) of total petroleum hydrocarbons as diesel (TPH-d) were detected in three of five composite soil samples. Low levels of these hydrocarbons are not considered significant and should not restrict disposal at California landfills.

A review of the inorganic analytical results of the five composite samples analyzed indicate that all the inorganic constituents (metals) were either not detected or were detected at levels that would be naturally occurring or background levels, with the exception of lead detected in the composite sample collected from 3 to 4 feet. Lead was detected in this sample at a concentration of 75 ppm. Further analysis detected lead at a concentration of 5.9 milligrams per Liter (mg/L), which is equivalent to parts per million. This concentration exceeds the 5.0 mg/L soluble lead limit established by the majority of Class II landfills for acceptance of soil. The individual samples that make up the composite sample were individually analyzed to characterize the lateral extent of lead in the 0 to 4 foot depth on the property. Higher concentrations of lead were detected in the eastern portion of the property only.

The elevated levels of total and soluble lead detected from shallow soils in the eastern portion of the property will limit which landfills can accept this soil. Further delineation of these areas would be needed to determine the amount of soil that will require special handling and disposal. The San Francisco Department of Public Health, Environmental Health Section - Hazardous Waste Unit (EHS-HWU) has concurred with the recommendations included in the Subsurface Investigation.<sup>19</sup> The analytic levels of lead reported are below the United States Environmental Protection Agency's (USEPA's) Preliminary Remediation Goals (PRGs) and the San Francisco Bay Region, Regional Water Quality Control Board's (RWQCB) Environmental Screening Levels (ESLs). Therefore, EHS-HWU determined that usual construction procedures for visible dust control are required for the site. These procedures are included in Mitigation Measure 2. All soils with elevated levels of soluble lead would be disposed off-site at the appropriate landfill. Manifests or bills of lading shall be required for the transportation and disposal of contaminated soils. All work would proceed under a Site Specific Health and Safety Plan. The project sponsor has agreed to implement Mitigation Measure 2, identified on pages 33-34 in order to reduce any potential impacts associated with disposal of soils with elevated levels of lead to a less-than-significant level.

---

<sup>18</sup> AllWest Environmental, Inc. *Subsurface Investigation, 1840 Washington Street, San Francisco, California*. Prepared for CST Associates, LLC c/o Worldco Company, Ltd. March 11, 2004.

<sup>19</sup> Rajiv Bhatia, MD, MPH, Director, Occupational and Environmental Health, San Francisco Department of Public Health, Environmental Health Section - Hazardous Waste Unit 2004. Letter to CST Associates, LLC c/o Worldco Company, Ltd.. December 27.



## **Lead-Based Paint**

Because of the age of the existing building, which is proposed for demolition as part of the project, it may contain lead-based paint. Demolition must comply with Chapter 34, Section 3407 of the San Francisco Building Code, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on any building built on or before December 31, 1978, or any steel structures to which lead-based paint disturbance or removal would occur, and exterior work would disturb more than 100 sf or 100 linear feet of lead-based paint, Chapter 34 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Chapter 34 contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the Department of Housing and Urban Development (HUD) Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of work debris beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance also includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must provide written notice to the Director of the Department of Building Inspection of the location of the project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential, owner-occupied or rental property, approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead-Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures established by the San Francisco Building Code would ensure that potential impacts associated with lead-based paint disturbance during construction activities would be reduced to a level of insignificance.

## **Asbestos**

Asbestos-containing materials may be found within the existing structure on site, which is proposed to be demolished as part of the project. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos.

The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/altered including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation when a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8 CCR 1529 and 8 CCR 341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest, which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the DBI would not issue the required permit until the applicant has complied with the notice requirements described above.

These regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

### **Fire Hazards**

San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing buildings are required to meet standards contained in these codes. In addition, the final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department (as well as the Department of Building Inspection), in order to ensure conformance with these provisions. The proposed project would conform to these standards, which would also include development of an emergency procedure manual and an exit drill plan. Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (over 75 feet) "shall establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." In this way, potential fire hazards (including those associated with hillside development, hydrant water pressure, and emergency access) would be mitigated during the permit review process.

In view of the above, the proposed project would have no significant impacts related to Hazards.

13) <u>Cultural</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study?	—	<u>X</u>	<u>X</u>
(b) Conflict with established recreational, educational, religious or scientific uses of the area?	—	<u>X</u>	<u>X</u>
(c) Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the City Planning Code?	—	<u>X</u>	<u>X</u>

### Archaeological Resources

Factors considered in determining the potential for encountering archaeological resources include the depth and areal extent of soils disturbance resulting from the project, as well as information about known archaeological resources in the project vicinity and the historical development of the project site. Construction of the proposed project would involve demolition of one existing building, which completely covers the project site. The Phase I report states that there was a residence on the project site prior to the 1926 construction of the existing structure. No prehistoric sites have been reported near the vicinity of the site. There is no reason to expect that the area developed earlier than the Western Addition area in the 1870s and 1880s. The project would require at least ten feet of excavation below the current foundation, and a drilled pier foundation system. There is the possibility that intact late 19<sup>th</sup> century archaeological deposits are present within the project site, especially domestic deposits that could be adversely affected by the proposed project. Four blocks directly south of the project site mid-1870s to mid-1890s middle-class domestic deposits and features were found in 1994. Nineteenth century middle class domestic deposits can in some cases be contributory to a number of research topics. Although the potential for finding significant archaeological resources is too narrow and uncertain to warrant preparation of an archaeological research design, the project sponsor has agreed to implement Mitigation Measure 3 on pages 34-37 to avoid any potential adverse impacts on buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c).

### Architectural Resources

The existing commercial structure on the project site was built in 1926. Sanborn maps from 1899 to 1913 show the property occupied by a residence. Sanborn maps from 1929 to 1990 show the existing building in use as an auto repair facility. In 2004, 1840 Washington Associates, LLC acquired the property from Teevan Restoration, a furniture restoration contractor. No information exists that indicates that the property was associated with significant events or persons. The reinforced concrete structure is not listed on any adopted architectural surveys. Under the *City and County of San Francisco Planning Department CEQA Review Procedures for Historic Resources*, the property would be categorized as “C”, a property determined not to be an historical resource, i.e. a property for which the City has no information indicating that the property is an historical resource.<sup>20</sup> Therefore the demolition of this building would not be considered a significant impact on architectural resources.

<sup>20</sup> *City and County of San Francisco Planning Department CEQA Review Procedures for Historic Resources* 2004. October.

<b>C. <u>OTHER</u></b> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
Require approval and/or permits from City Departments other than Department of City Planning or Bureau of Building Inspection, or from Regional, State or Federal Agencies?	—	<u>X</u>	—

**Neighborhood Notice**

A notice of project receiving environmental review was sent out on June 11, 2004 to potentially interested parties. Three letters, and one email were received in addition to numerous phone calls. All of the respondents expressed opposition to the proposed height of the project building. Those individuals who lived in the Pacific Place towers expressed concern about the potential impacts of increased shadow on the pool and patio area, which borders the project site on the east, the potential impact of the proposed project on views and on parking and traffic in the area. Commenters who lived adjacent to and west of the project site at 1860 Washington Street also expressed concern about the proposed height of the project building, and the inconvenience of construction, including potential noise and hazards. Other concerns from residents of 1860 Washington Street included the potential impacts of decreased ventilation and the potential increase of car fumes; the effect of greater sway of an 80-foot-tall building on adjacent structures, and the potential for decreased light in the units that face the project site. Environmental issues identified in the public comments, as noted above, are addressed in this Initial Study, under applicable topics.

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>DISCUSSED</u>
<b>D. <u>MITIGATION MEASURES</u></b>				
1) Could the project have significant effects if mitigation measures are not included in the project?	<u>X</u>	—	—	<u>X</u>
2) Are all mitigation measures necessary to eliminate significant effects included in the project?	<u>X</u>	—	—	<u>X</u>

***Mitigation Measures***

The following mitigation measures have been adopted by the project sponsor and are necessary to avoid potential significant effects of the project.

**Mitigation Measure 1 - Construction Air Quality**

The project sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand, or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions.

Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor shall require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and

implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

## **Mitigation Measure 2: Contaminated Soil**

### *Preparation of a site Health and Safety Plan*

Prior to conducting project remediation activities, a Site Health and safety Plan would be prepared pursuant to the California Division of Occupational Health and Safety (Cal-OSHA) requirements and National Institute for Occupational Safety and Health guidance to ensure worker safety. Under Cal-OSHA requirements, the Site Health and safety Plan would need to be prepared prior to initiating any earth moving activities at the site.

### *Determination of Presence of Lead-Contaminated Soils*

Following demolition of the existing building, and prior to soil excavation, the project sponsor shall hire a consultant to collect shallow soil samples (borings) in a grid pattern from the eastern portion of the site and test the soil samples for total lead. The consultant shall analyze the soil borings as discrete, not composite samples, in order to delineate areas that contain elevated concentrations. The consultant shall prepare a report on the soil testing for lead that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

The project sponsor shall submit the report on the soil testing for lead and a fee of \$390 in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee of \$390 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first five hours, at a rate of \$137 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing report to determine to the location of soils on the project site that are contaminated with lead at or above potentially hazardous levels (i.e., above 50 ppm total lead.)

### *Preparation of Site Mitigation Plan:*

DPH has determined that the soils on the project site are contaminated with lead at or above potentially hazardous levels, and that preparation of a Site Mitigation Plan (SMP) is warranted. The SMP shall include a discussion of the level of lead contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

### *Handling, Hauling, and Disposal of Lead-Contaminated Soils*

- a) Specific work practices: If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with lead at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site

(detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA lead-safe work practices) when such soils are encountered on the site.

- b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.
- c) Surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.
- d) Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where lead-contaminated soils have been excavated and removed, up to construction grade.
- e) Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

#### *Preparation of Closure/Certification Report*

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead-contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

#### **Mitigation Measure 3 - Archaeological Resources**

Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

*Archeological monitoring program (AMP).* The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely

affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or



interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

**E. MANDATORY FINDINGS OF SIGNIFICANCE**


YES      NO      DISCUSSED

- |   |   |          |          |
|---|---|----------|----------|
| 1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | — | <u>X</u> | <u>X</u> |
| 2) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?  | — | <u>X</u> | <u>X</u> |
| 3) Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.)   | — | <u>X</u> | <u>X</u> |
| 4) Would the project cause substantial adverse effects on human beings, either directly or indirectly?  | — | <u>X</u> | <u>X</u> |

The proposed project is consistent with all applicable zoning controls. While local concerns or other planning considerations may be grounds for modification or denial of the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

**F. ON THE BASIS OF THIS INITIAL STUDY**

- I find the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared by the Department of City Planning.
- I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because Mitigation Measures 1, 2, and 3 in the discussion above have been included as part of the proposed project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

  
 \_\_\_\_\_  
 Paul Maltzer  
 Environmental Review Officer  
 for  
 Dean L. Macris  
 Interim Director of Planning

February 15, 2005  
 \_\_\_\_\_  
 DATE



## EXECUTIVE SUMMARY

July 7, 2005

1840 Washington Street

Case No. 2004.0220E

Calendared for July 14, 2005

### Proposed Commission Action and Project Description:

Consider whether to uphold staff's decision to prepare a Mitigated Negative Declaration under CEQA, or whether to overturn that decision and require preparation of an Environmental Impact Report (EIR) due to specified potentially significant environmental effects of the proposed project.

The proposed project involves the construction of an approximately 45,043-gross-square-foot (gsf), eight-story, 80-foot-high residential building, which would include about 31,763 gsf of residential use (26 dwelling units), and 13,280 gsf of parking (34 off-street parking spaces). The proposed project would also include the demolition of an existing 7,500 gsf, one-story-plus-mezzanine, vacant warehouse building, and the elimination of ten existing off-street parking spaces. The approximately 7,021-square-foot (sf) project site is located mid-block on the north side of Washington Street (Assessor's Block 599, Lot 8) in the block bordered by Van Ness Avenue and Washington, Franklin and Jackson Streets. The existing building on the project site was formerly occupied by Teevan Restoration, a painting/restoration contractor.

A Preliminary Mitigated Negative Declaration (PMND) was published on February 19, 2005. Subsequent to the publication of the PMND, the project was revised. These revisions are reflected in the project description in the previous paragraph, and are shown in the attached Amended PMND, and, where relevant, in Exhibit A, Planning Department Responses to Concerns. The revised project proposes to provide 26 dwelling units instead of the originally proposed 29 units, and 34 off-street parking spaces, instead of 35 spaces. The number of one-bedroom units has been reduced from 15 units to 12 units. Fourteen two-bedroom units would be included as originally proposed. The area for the residential portion of the project would be reduced by 105 gsf from 31,868 gsf to 31,763 gsf. The area for parking has been reduced from 13,370 gsf to 13,280 gsf. The total floor area of the proposed building would be reduced from 45,238 gsf to 45,043 gsf. The number of off-street bicycle parking spaces has increased from one to seven. The site is zoned RC-4 (Residential-Commercial Combined District, High Density) and is in the Van Ness Special Use District, and an 80-D height and bulk district. The proposed project would require conditional use authorization for new construction exceeding 40 feet in height in the Van Ness Special Use District. The revised project meets all other Planning code requirements.

### Issues:

The Planning Department received an appeal letter from Joseph Belloumini, representing the Pacific Place Homeowners Association, appealing issuance of the Preliminary Mitigated Negative Declaration (PMND) for the proposed development at 1840 Washington Street. Issues raised in the appeal include concerns that the PMND fails to:

1. Address adequately the potential adverse impacts of the proposed project on available sunlight on Pacific Place's open space and swimming pool area;
2. Discuss the inconsistencies of the proposed project with the San Francisco General Plan, Planning Code and related documents; and
3. Propose feasible mitigation measures, including consideration of an alternative, smaller project.

Comment letters were received from Nathan and Michele Fahey, Thomas Berg, Judy Gerstle, Christine Bromley, Yvonne Leong, John Reizner, Rolan Stone, Scott and Anita Freeborn, Do Lee, Henry Lee, Tsutomu Matano, Mason Turner-Tree, Lorraine Weiss, Judy Wilks, Cynthia K. Brattesani, Margaret

Ghirardelli Lawrence, Ann M. Heimberger, Peter Lee, Stephen Parasatides, Jennifer Wei, and Marc D. Joffe, all of whom are members of the Pacific Place Homeowner's Association. Many of the issues raised by the commenters are identical to those raised in the Appeal letter. Additional concerns included loss of views, and increased shading of some dwelling units, and potential construction and traffic impacts. All of the issues raised by the Appellant and commenters have been addressed by staff in the attached materials, which include:

1. A Draft Motion upholding the decision to issue a Mitigated Negative Declaration;
2. Exhibit A (Planning Department Responses to Concerns in appeal letter and comments received);
3. Appeal letter, and comment letters; and
4. The Amended PMND, with changes noted (none of the amendments affect the analysis or conclusions of the PMND).

**Recommendation:**

Staff recommends that the Planning Commission adopt the motion to uphold the PMND. No substantial evidence of a significant environmental effect has been presented that would warrant preparation of an EIR. By upholding the PMND (as recommended) the Planning Commission would not prejudice or restrict its ability to consider whether the proposed project's use or design is appropriate for the neighborhood.

## EXHIBIT A

APPEAL: Project File No. 2004.0220E – 1840 Washington Street  
Residential Development  
Preliminary Mitigated Negative Declaration published on February 19, 2005

### PLANNING DEPARTMENT RESPONSES TO CONCERNS

#### INTRODUCTION

An environmental evaluation application (2004.0220E) was filed on behalf of Anthony Chan, 1840 Washington LLC on March 8, 2004, for a proposal to construct a residential building at 1840 Washington Street. The revised project involves the construction of an eight-story, 80-foot tall, 26-unit, 45,043-gross-square-foot (gsf) building, containing 34 accessible off-street parking spaces. This is a reduction in size from the original project that included 29 units and 35 off-street parking spaces in a 345,238-gsf building. The project site (Assessor's Block 599, Lot 8) is located mid-block on the north side of Washington Street in the block bordered by Van Ness Avenue, and Washington, Franklin, and Jackson Streets. The site is zoned RC-4 (Residential-Commercial Combined Districts, High Density), and is in an 80-D height and bulk district. A Preliminary Mitigated Negative Declaration (PMND) analyzing the potential environmental effects of the project was published on February 19, 2005. A letter appealing the PMND was filed on March 11, 2005 by Joseph Belloumini, representing the Pacific Place Homeowners' Association. Other comments received include letters from the following members of the Pacific Place Homeowners' Association: Nathan and Michele Fahey, Thomas Berg, Judy Gerstle, Christine Bromley, Yvonne Leong, John Reizner, Roland Stone, Scott and Anita Freeborn, Do Lee, Henry Lee, Tsutomu Matano, Mason Turner-Tree, Lorraine Weiss, Judy Wilks, Cynthia K. Brattesani, Margaret Ghirardelli Lawrence, Ann M. Heimberger, Peter Lee, Stephen Parasatides, Jennifer Wei, and Marc Joffe. Concerns raised in the appeal letter, and other comments received are responded to below. Additionally, where appropriate, revisions have been made in the PMND to address both comments received, and the revisions made to the project since publication of the PMND. In the amended PMND, new text is underlined and deleted text is indicated by ~~strikeout~~. None of the revisions have resulted in any changes in the analysis or conclusions of the PMND.

#### APPEAL LETTER

Concerns raised in the appeal letter are paraphrased below, followed by the Department's responses. The concerns and responses have been organized in the order of issues presented in the appeal letter.

**Concern No. 1:** If there is substantial evidence to support a fair argument that a proposed project may have a significant environmental effect, then an environmental impact report must be prepared. Neither CEQA nor the CEQA Guidelines distinguishes between physical changes to public and private areas affected by a project. In this case, the area affected is the Pacific Place open space and swimming pool area. An environmental impact report is required for any project that may have a significant effect on the environment. With respect to the 1840 Washington Street Project, the Planning Department is required to evaluate the project's effect on Pacific Place. Those effects are substantial and require preparation of an EIR on the proposed Project.

#### Response No. 1:

The California Environmental Quality Act (CEQA) and the CEQA Guidelines (Sections 15000 et seq. of

Title 14 of the California Code of Regulations) require that governmental agencies inform themselves about environmental effects of their proposed actions, consider all relevant information before they act, give the public an opportunity to comment on environmental issues and avoid harm to the environment when feasible. The key question that CEQA asks is whether there is a *significant* effect on the environment. Significant effect is defined in Section 15382 of the Guidelines as follows:

“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

To determine whether a project, which is not exempt from CEQA, may have a significant adverse effect on the environment, a lead agency must prepare an Initial Study. The Lead Agency must prepare an environmental impact report (EIR) if a significant effect may occur and cannot be mitigated to a less than significant level. If there is no potential significant adverse effect from a project, or the potential impact from the project can be reduced to a level of insignificance through project revisions, a Negative Declaration can be adopted. A Mitigated Negative Declaration, such as the one prepared for the proposed project at 1840 Washington, is used in the latter case. The Planning Commission must be presented with “substantial evidence of a significant environmental effect before it can reject the Preliminary Mitigated Negative Declaration (PMND).

The initial study shows that the proposed project would not have a significant effect on the environment, and the Planning Department, therefore issued a PMND. The PMND acknowledges an adverse impact on the Pacific Place courtyard and pool area. (This discussion is expanded in Response No. 2.) Most urban developments will have some shading effects on nearby properties. The project sponsor prepared shadow studies, which are discussed for informational purposes in the PMND. The Appellant had additional shadow studies prepared that confirmed the results of the project sponsor’s study.<sup>1</sup> Both studies demonstrate that the proposed project would increase shade on the Pacific Place courtyard and pool area in the afternoon. Nevertheless, while noticeable to residents of Pacific Place, the shadowing on this limited area of that building is not of the quality or in the amount that rises to the level of a significant environmental effect.

**Concern No. 2:** The Negative Declaration minimizes the nature and extent of the impact of the proposed project on the Pacific Place courtyard and swimming pool area, and incorrectly states that the “peak usage” of the courtyard and pool is between the hours of 11:00 a.m. and 2 p.m. Residents make substantial use of the open space and pool area all year, although use tends to be greater in the spring, summer, and autumn when it is warmer and sunlight is more available. The Pacific Place Board of Directors commissioned a shadow study showing a substantial adverse impact on the sunlight available to the open space and pool area at times when maximum usage occurs, specifically September 21. The Negative Declaration asserts that loss of sunlight to private property is not considered significant under CEQA, implying that sunlight is not an environmental value within the meaning of CEQA and this is wrong. The Negative Declaration attempts to trivialize this appreciable loss of sunlight. The facts available show that an EIR must be prepared because CEQA requires an evaluation of a project’s effects on the surrounding area without regard to whether the area is public or private.

---

<sup>1</sup> Environmental Vision. Overview of 1840 Washington Street Project Shadow Effects on Pacific Place Pool/Courtyard Area. Internal Draft. March 3, 2005. This report was submitted to the Planning Department with the Appeal Letter, and is attached to the Appeal Letter with this document.

**Response No. 2:** The Preliminary Mitigated Negative Declaration covers in detail the potential for the proposed project to cast new shadow on any property under the jurisdiction of the San Francisco Recreation and Park Department, and on the Pacific Place courtyard and pool area. The increase in shadow as a result of the proposed structure is discussed on page 22 of the PMND. A summary of the 1840 Washington Shadow Study prepared by the project sponsor is contained in Attachment A of this document. The results of this study were confirmed in a study prepared by the Appellant, which is attached to the Appeal letter. As stated in the PMND, the proposed project would increase shadow in the Pacific Place pool/patio area in the afternoons, with the greatest increase (+52%) occurring on December 21<sup>st</sup> at 2:00 p.m. Pacific Place contains 149 residential units. While some residents of the building would use the pool area during the affected hours at different times of the year (the pool itself is closed during the peak shadow times i.e., the winter months), this would not be considered a significant environmental impact under CEQA.

The reference to peak usage hours of courtyard and pool area on page 22 of the PMND has been deleted. The first full paragraph on page 22 has been changed as follows:

“While the The San Francisco Planning Department, as a lead agency, has chosen to incorporate the issue of the sun shading effects of proposed projects on public open spaces under the jurisdiction of or to be acquired by the Recreation and Park Commission. ~~the loss of sunlight~~ Further, shading on a limited area of a private residences residence- or property as indicated by the shadow studies prepared by the Project Sponsor and confirmed by the Appellant’s study is generally not considered to be a significant impact on the environment under CEQA. Nevertheless, the The project sponsor prepared shadow studies to illustrate the extent of new shadow that would result on the private pool/patio area at 1800 Washington Street. A follow-up study prepared by Environmental Vision for the Pacific Place Board of Directors confirmed the results of the sponsor’s study, and compared the shadow effects on the Pacific Place pool/courtyard area associated with alternative building heights.”

~~This~~The Pacific Place pool/courtyard area is located in the 1800 Washington Street open space that lies between the project site and the Pacific Place South Tower (1800 Washington Street). According to a Pacific Place Home Owners Association representative, the peak usage hours for the pool/patio area are 11:00 a.m. to 2:00 p.m.<sup>2</sup> The pool is closed during the months of December, January, and February;<sup>3</sup> nevertheless the patio is used throughout the year. Computer modeling was performed for March 21, June 21, September 21, and December 21.<sup>4,3</sup>

The shadow study found that that there would be little to no impact on the pool/patio area during the peak usage hours of 11:00 a.m. to 2:00 p.m. The proposed building would not cast any new shadow on the pool/patio area between the hours of 11:00 a.m. and 12:00 p.m., except on during the winter months, around December 21, when new shade on the non-pool area of the patio would increase by 12 percent from existing shade of 38% to new shade of 50%. By 2:00 p.m. new shade would increase to 52%. The increase around 3:00 p.m. would be 6% with the pool in 100% shade. In the spring around March 21, shade would increase by 8% by 1:00 p.m. By 2:00 p.m. 4:00 p.m. new shade on the pool/patio area would increase by 8-40% on March 21 and by 40% on December 21. In the summer, around June 21, the

<sup>2</sup> Lorraine Weiss. Conversation with Marie Zeller. August 30, 2004.

<sup>3,2</sup> Conversation between Jenny Hau, Property Manager, Pacific Place, and Nannie Turrell, San Francisco Planning Department, January 21, 2005.

<sup>4,3</sup> Patri Merker Architects. 1840 Washington Shadow Study. September 28, 2004. A copy of the Shadow Study is available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500, as part of Case No. 2004.0220E.

proposed project would result in no new shade until 2:00 p.m. when shade would increase by 3%. By 3:00 p.m. shade would increase by 13% and by 4:00 p.m. shade would increase by 25%. By 2:00 p.m. new shadow on the pool patio area would increase by 40% on March 21, 3% on June 21, 18% on September 21, and 52% on December 21. there would be no new shade on the pool until 2:00 p.m. when the increase in shade would be 18%. By 3:00 p.m. shade would increase to 40%, and by 4:00 p.m. the increase in shade would be 35%.

The study prepared by Environmental Vision for the Pacific Place Board of Directors compared the shadow effects of a four-story, five-story, six-story, seven-story, and a stepped back six to seven story building for the summer and fall months (June 21 and September 21). This comparison shows that shadows cast under these scenarios would be less than those cast by the proposed eight-story building. On June 21 at 2:00 p.m., a four-story and a six-story building would cast no new shadow, and an eight-story building would increase shade by 2%. By 3:00 p.m., a four-story building would increase shade by 2%; a six-story building would increase shade by 8%; and an eight-story building would increase shade by 13-15%. At 4:00 p.m. a four-story building would increase shade by 7%; a six-story building would increase shade by 16%; and an eight-story building would increase shade by 24-25%. On September 21 at 2:00 p.m. a four-story building would cast no new shadow; a six-story building would increase shadow by 10%; and the proposed eight-story building would increase shadow by 20%. At 3:00 p.m., the shadows cast by a four-story building would increase shadow by 11%; and a six-story building would increase shadow by 26%, compared to 40% for an eight-story building. At 4:00 p.m., a four-story building would increase shadow by 20%; a six-story building would increase shadow by 28%; and an eight-story building would increase shade by 34-35%.

Although the increase in shadow during any time of the year may be considered an inconvenience or even a hardship by individual residents of the 1800 Washington Street building when they use the building's pool/patio area, shading on such a limited area of the building and during some portions of any given day, it would not be considered a significant or adverse impact under CEQA. The height of the proposed structure will be considered by the Planning Commission when it considers whether to grant conditional use authorization."

**Concern No. 3:** The Negative Declaration fails to discuss the conflicts between the proposed project and the *San Francisco General Plan* as well as other applicable policies and regulations. By substantially interfering with the sunlight available to the Pacific Place open space and pool area, the proposed project conflicts with applicable San Francisco policies and regulations that promote and protect sun exposure to public and private open spaces. The term "open space" as used in the *General Plan* is not limited to public open space, and *Planning Code* Section 102.19 defines open space to include private courtyards. The *Van Ness Avenue Area Plan* reinforces the proposition that the protection of sun access to open space includes private open space. The *Planning Code* expands on these policies. The Negative Declaration fails to discuss any of these policies and Code provisions, and concludes that the proposed project would not conflict with applicable City planning documents, and is therefore, inadequate for failure to discuss inconsistencies between the proposed project and applicable planning policies.

The Planning Commission approved Pacific Place in 1996 in part based on its finding that Pacific Place provides usable open space, which maximizes sun exposure to its courtyard and pool area. By providing this open space, Pacific Place met the objectives of *Planning Code* Section 206(d), which encourages development that provides "adequate...outdoor spaces for its occupants." The sun exposure to the Pacific Place open space furthers the objectives of the Van Ness Area Plan and is protected by several policies and regulations.

**Response No. 3:** The PMND discusses the Project's compliance with *Planning Code* Section 101.1 on



pages 10-11. Section 101.1 establishes eight Priority Policies that must be included in the preamble to the *General Plan* and be the basis upon which inconsistencies in the *General Plan* are resolved. Prior to issuing a permit for any project, the City must find that the proposed project is consistent with the Priority Policies. Priority Policy 8 states "That our parks and open space and their access to sunlight and vistas be protected from development." The Planning Department interprets this policy as applying to public, not private, open spaces. Regardless, neither Priority Policy 8 nor any provision of the *Planning Code* bars the approval of projects that shade even public open spaces. For example, *Planning Code* Section 295, as discussed on page 21 of the PMND, restricts new shadow upon public open spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet. However, the Planning Commission may still approve a project that casts a shadow if it finds that the impact on such public open space is insignificant.

*Planning Code* Section 206 describes the City's residential (R) districts, and lists five purposes for such districts, including "Encouragement of residential development that will meet outstanding community needs, provide adequate indoor and outdoor spaces for its occupants, and relate well to the character and scale of existing neighborhoods and structures." None of these purposes prohibit the shading of private open space.

The PMND includes a discussion of the *General Plan* and concludes that the proposed project does not conflict with it. The Appellant and commenters cite specific provisions included in the *Van Ness Avenue Area Plan* Policies (Policies 5.4, 5.5, 6.3, 7.2, and 7.3), which they claim mandate the prevention of shadows on the Pacific Place courtyard and pool area. These policies are listed below:

***General Plan, Van Ness Avenue Area Plan, Objective 5 - Policy 4. Preserve existing view corridors.***

This policy states that "In addition to the setback along the Van Ness Avenue frontage, a setback approximately fifteen feet deep should be provided at an appropriate height along California, Pine, Sacramento, Clay and Washington streets when necessary to preserve view corridors." Objective 5 discusses the fact that Van Ness Avenue "provides access between a number of focal points, including landmark buildings, cultural centers, important view corridors, and the Bay." This policy is incorporated into the *Planning Code* in Section 253.2(2), which is discussed in the PMND on page 10. The proposed project does not obstruct any public view corridors, although it would reduce or block some private views of Lafayette Park from some dwelling units on the uppermost two floors of the Pacific Place South Tower. As stated on page 10 of the PMND, the Planning Commission may require a setback of up to 15 feet. As designed, the proposed project is not set back from the sidewalk, which is consistent with all other buildings on this block of Washington Street, including Pacific Place.

***General Plan, Van Ness Avenue Area Plan, Objective 5 - Policy 5. Encourage full lot development resulting in a maximum number of dwelling units.*** This policy encourages full lot development resulting in a maximum number of dwelling units by modifying rear yard requirements if existing interior block open space formed by the rear yards of abutting properties is not adversely affected, and if adequate light and air to the proposed units is maintained. The project as proposed maintains the existing interior open space formed by the buildings in the project block. As discussed in the PMND and this document, the open space created by Pacific Place east of the proposed project would be affected by an increase in shadow on the courtyard/pool area.

***General Plan, Van Ness Avenue Area Plan, Objective 6 - Policy 3. Incorporate setbacks and/or stepping down of building form on new developments – and major renovations when necessary – to increase sun exposure on sidewalks.*** This policy states, "Design features such as setbacks and windbreaks... can help to provide a pleasant environment on rooftops, sidewalks, courtyards, and nearby open spaces." The proposed project incorporates a setback on the eighth floor to maintain visual distance

from the Pacific Place courtyard/pool area. This setback does not reduce the impact of increased shade on this area of the Pacific Place building.

**General Plan, Van Ness Avenue Area Plan, Objective 7 – Policy 2. Provide wind protection and sun exposure to private and common open space areas.** The proposed project would not result in adverse effects on ground-level winds (PMND, page 23). The project would increase shade on the courtyard/pool area of Pacific Place. This is discussed in detail on page 22 of the PMND, and in Response No. 2.

**General Plan, Van Ness Avenue Area Plan, Objective 7 – Policy 3. Generally maintain existing open space requirements for residential use. Allow common open space requirements to be met by a variety of recreation and open space features.** The proposed project is consistent with this policy because the project meets all *Planning Code* open space requirements. The Appellant asserts that the Planning Commission approved the Pacific Place Condominium Towers partly because of its common open space, and that the proposed project would have an adverse effect on these amenities. The effect of this shading has been evaluated in the PMND and Response No. 2. This is not a significant impact under CEQA.

The *General Plan* policies are not strictly mandatory. A project may be consistent with the overall intent of the *General Plan*, even if it does not conform to every policy. As stated in the PMND on page 11, “Under Objective 1, the Van Ness Avenue Plan encourages high-density housing in the project area (from Redwood Street to Broadway).” Objective 1 of the *General Plan* states: “Continue Existing Commercial Use of the Avenue and Add a Significant Increment of New Housing.” The proposed project clearly meets this overall objective. It is the duty of the elected City officials to examine the specifics of a proposed project to determine whether it would be consistent with the policies stated in the plan. The PMND found that the proposed project would not obviously or substantially conflict with the policies of the *San Francisco General Plan*. Additionally, any potential conflict with the *General Plan* that would not alter the physical environmental effects of the project would be considered by the Planning Commission when it considers the Conditional Use application for the project.

As part of its decision to approve, modify, or disapprove the project, the Planning Commission will consider other potential conflicts with the *General Plan* and will weigh *General Plan* policies and decide whether on balance, the project is consistent with the *General Plan*.

**Concern No. 4:** The Negative Declaration fails to discuss alternatives to the Project that would mitigate its adverse impacts. Because it fails to identify and discuss the proposed project’s adverse impacts and conflicts with *General Plan* policies and applicable *Planning Code* provisions, the Negative Declaration does not address reasonable mitigation measures that could reduce the project adverse impacts. Mitigation could include reduced building height and stepped back floor design, which would reduce shadow impacts on the Pacific Place courtyard and pool area. These alternatives must be considered in an environmental impact report.

**Response No. 4:** A Draft EIR must describe a reasonable range of feasible alternatives to a project (CEQA Guidelines Section 15126.6(a)). There is no provision in CEQA for the discussion of alternatives in a PMND. See Response No. 3 for a discussion of conflicts with Plans and Policies. The PMND contains mitigation measures for all potentially significant impacts associated with the proposed project, which include construction air quality, contaminated soil, and archaeological resources. The design and height of the proposed structure will be considered by the Planning Commission at the time of the conditional use authorization hearing.

## OTHER COMMENTS

The comment letters received on the 1840 Washington Street Preliminary Mitigated Negative Declaration for the most part raised issues that are similar to those in the Appeal letter. These concerns and responses have been addressed above. Concerns and issues not covered under the Appeal Letter concerns and responses are summarized below, followed by the Department's responses.

**Concern No. 5:** During construction, the left hand lane of Washington Street will be frequently blocked and will restrict the ability of Pacific Place residents to exit their building. Mitigation measures should ensure that Pacific Place residents are not restricted from existing the building at any time, and that assistance be provided when sight lines are blocked by construction-related vehicles or materials. Where will construction vehicles be parked?

**Response No. 5:** Construction impacts are addressed on page 19 of the PMND. As stated on page 19, "lane and sidewalk closures would require review and approval by the Department of Public Works (DPW)." Review and approval will also be conducted by the City's Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). ISCOTT is a city staff committee that meets approximately twice a month to discuss proposed parking and traffic changes, including temporary street closures for construction and special events. Permanent parking and traffic changes are considered prior to their being scheduled for public hearings or Board of Supervisors approval. For special event street closures including street fairs, athletic events, and neighborhood block parties, the ISCOTT meeting is the public hearing. ISCOTT is composed of members from the following agencies: Parking and Traffic, Public Works, Police, Fire, Public Health Municipal Railway, and City Planning. No mitigation is required for temporary and intermittent traffic impacts. Construction worker vehicles would be parked on site or on nearby streets, which is discussed on page 19 of the PMND.

**Concern No. 6:** The Negative Declaration is in error when it states that three units in the top floor of the south tower of Pacific Place would have their view of Lafayette Park blocked, and that existing views show the full height of trees in Lafayette Park. Some units on the eighth floor also have full views of the trees in Lafayette Park and these views would also be impacted. It is possible that views from the 7<sup>th</sup> floor would also be impacted.

**Response No. 6:** Based on the commenter's assertion that views from the eighth floor of the south tower show the trees in Lafayette Park, the text of the PMND in the fifth paragraph on page 13 under Visual Quality has been change as follows: "Three units in the top (ninth) floor and the eighth floor of the south tower of Pacific Place would have their view of Lafayette Park blocked. Existing views from the ninth floor show the full height of trees in the park. Views with the proposed development would show only the tops of those same trees. Views of the park from the three units on the eighth floor facing west could be blocked completely. Based on the sloping topography to the intervening blocks, there are no views of the park from the seventh floor or lower of the south tower."

**Concern No. 7:** The study does not include any elevations or renderings that illustrate the visual impact of the building on the neighborhood. The proposed project is not consistent with the visual character of the neighborhood. It is mid-block and is out of scale with all buildings to the west on both sides of Washington Street, none of which exceed five stories.

**Response No. 7:** The height of the proposed building in the context of surrounding neighborhood is discussed in the PMND in the third paragraph on page 13. As stated in the PMND, the proposed building is taller than other mid-block buildings; nevertheless it is adjacent to the nine-story Pacific Place south tower and would be compatible with the visual character of the neighborhood, which the existing building on the site, the Teevan

building, is not, because of it's height and design.

**Concern No. 8:** The project plans should be revised to show how many full sized parking spaces are accommodated, because there is a strong possibility that the residents' vehicles will not conform to the floor plans.

**Response No. 8:** Full sized spaces are shown in both the original Figures 3 and 4 of the PMND, and the revised Figures 3 and 4 included in the PMND, as Amended. The original figures showed 19 full sized off-street parking spaces, 14 compact spaces, and two full-sized van spaces. The revised figures show 17 full-sized off-street parking spaces, 15 compact, and two full-sized van spaces.

**Concern No. 9:** The construction mitigation measures are vague. A construction management plan should be provided that details how materials storage, parking, and road blockage problems would be handled. The construction Management Plan needs to be reviewed by neighbors in the vicinity of the project for their agreement. Also, to ensure that the demand for on-street parking does not exceed available supply on Washington Street, the contractor must establish a shuttle system to require that workers park at a designated spot elsewhere, unless they need their vehicles at the site. This requirement should be noted in the PMND. Otherwise construction management issues related to traffic would result in a temporary significant impact.

The construction schedule is stated incorrectly as 7:30 p.m. to 4:30 p.m. weekdays, and should be corrected to 7:30 a.m. Construction should not be permitted on holidays and weekends. Commission approval should be contingent upon the developer's responsibility for the following:

- Immediate removal of all construction-related debris from Pacific Place property, and immediate repair of any damage to Pacific Place property and its landscaping and restoration of any damaged areas to their condition prior to the damage; and
- Reimbursement to Pacific Place for incremental cleaning, chemical requirements, and maintenance costs incurred during demolition and construction.

**Response No. 9:** Construction hours are established in the Noise Ordinance, Article 29 of the Police Code, which states in Section 2908, "It shall be unlawful for any person, between the hours of 8:00p.m. of any day and 7 a.m. of the following day to erect, construct, demolish, excavate for, alter or repair any building or structure if the noise level created thereby is in excess of the ambient noise level by 5 dBA at the nearest property line, unless a special permit therefore has been applied for and granted by the Director of Public Works." The project sponsor has stated that the construction schedule would be approximately from 7:30 a.m. to 4:30 p.m. Page 19 of the PMND has been amended as follows: "The construction schedule would be approximately 7:30 ~~p.m.~~a.m. to 4:30 a.m. weekdays."

Construction procedures are under the jurisdiction of the Department of Building Inspection for the duration of the demolition and construction. Routine inspections by building inspectors are performed to ensure that best management construction practices are enforced. The department has no jurisdiction over reimbursement for damages, cleaning, or maintenance of Pacific Place related to the proposed project, and there is no evidence that the construction of the project would cause debris or damage to Pacific Place. Should that occur, under California law, the project sponsor would be liable. As stated in the PMND and Response No. 5, lane and sidewalk closures are subject to review and approval by the Department of Public Works (DPW) and ISCOTT. The project sponsor has no plans to establish a shuttle service for workers who park at a designated spot elsewhere. During the construction period, workers would compete for parking spaces within the project area. As discussed on page 19 of the PMND, this is not considered to be a significant impact.

**Concern No. 10:** If a new development affects an existing building's light, ventilation or structural stability, the impact of the new development should be analyzed and mitigated. The project's affect on air quality should be addressed rather than dismissed as a problem for 1860 Washington Street to handle.

**Response No. 10:** The proposed project would be constructed to the standards of the Building Code. The project has been reviewed for conformance to the San Francisco Planning Code and Residential Design Guidelines, and will be reviewed by the Department of Building Inspection for conformance to the Building Code. Conformance to these codes insures that a proposed structure will not block or interfere with ventilation in an adjacent structure. San Francisco's Planning Code contains requirements for rear yard and side setbacks. According to Section 101(c), one of the purposes of the City Planning Code is "To provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers." The Residential Design Guidelines do ask for matched lightwells, which the proposed project provides. In a dense urban setting such as the project area, some increased shading of apartments may occur as a result of replacing a one-story plus mezzanine commercial building with an eight-story residential building. The issue of ventilation problems at the 1860 Washington building was raised as an existing condition, caused by ventilation problems from that building's garage. If this problem exists as described, it is the responsibility of the owner(s) of 1860 Washington Street. Conformance with the Building Code would ensure that the proposed project would not affect the structural stability of the adjacent existing buildings.

**Concern No. 11:** The proposed project would create a substantial "wind-tunnel" effect in the Courtyard of Pacific Place.

**Response No. 11:** Potential project wind effects on the Pacific Place pool/courtyard area were analyzed by a certified consulting meteorologist, who concluded that the proposed project would not result in adverse effects on ground-level winds. This analysis is discussed in detail in the PMND on pages 22 and 23. The analysis concludes that the proposed structure would not have the potential to cause adverse changes to the wind environment in pedestrian or private open space areas near the site because of the surrounding topography and the fact that the site is largely within the wind shadow of taller nearby upwind buildings.

**Concern No. 12:** The PMND states that the one of the units in the proposed development does not meet the dwelling unit exposure requirement. Please explain what this means.

**Response No. 12:** Section 140 of the Planning Code requires that all dwelling units in all use districts face on an open area. With the exception of single room occupancy buildings in the South of Market area, in all dwelling units windows in at least one room are required to face directly on an open area of the following type: a public street; an alley of a certain size, a rear yard, or an open area such as an inner court yard or space between two buildings on the same lot. Since publication of the PMND, the proposed project has been revised to bring all units into compliance with Section 140.

**Concern No. 13:** The PMND states that the proposed development would require conditional use authorization for new construction exceeding 40 feet in height in the Van Ness Special Use District. Why would the Planning Department consider allowing this?

**Response No. 13:** Objective 5 of the *Van Ness Avenue Area Plan* encourages "development which reinforces topography and urban pattern, and defines and gives variety to the Avenue." Policy 5 encourages full lot development resulting in a maximum number of dwelling units." Under existing zoning up to 35 dwelling units could be constructed on the project site (*Planning Code* Section 209.1(l)). The proposed building is compatible with the surrounding area, which includes larger and taller structures. The

proposed structure would maximize development on the project site, which a forty-foot structure would not.

**Concern No. 14:** The environmental document is misleading because it gives an approximate number for the building height. Elevations suggest the building is taller than the maximum allowed with a conditional use.

**Response No. 14:** Project plans show a building with a proposed height of 80 feet, which is the maximum height allowed with conditional use authorization. The elevator penthouse, mechanical equipment and accessory features necessary to the operation or maintenance of the building are height exceptions permitted by the *Planning Code*. For buildings more than 65 feet high, these features can rise an additional 16 feet (*Planning Code* Sections 260(b)(1)(A) and (b)(1)(B)).

**Concern No. 15:** The PMND is incorrect in stating that the proposed project would not exacerbate the restricted sight distance for drivers of vehicles exiting the 1800 Washington garage. The proposed project would worsen existing problems with vehicle line of site. This is the only garage exit from Pacific Place. Also, drivers exiting the 1860 Washington Street building will have restricted sight distance even with cars unloading passengers in front of the proposed building. The 1840 Washington street project would exacerbate the fact that under existing conditions vehicles parked in front of the project site can restrict sight distance for cars exiting the 1860 Washington building, even with cars unloading passengers in front of the proposed building.

**Response No. 15:** On page 17, the PMND states that parking in front of the project site already can restrict the sight distance for drivers of vehicles exiting the Pacific Place garage. This existing condition would also apply to any restricted sight distance for drivers exiting 1860 Washington Street. As the PMND concludes if the project sponsor requests that the City install a passenger loading space in front of the project site, eliminating one or two parking spaces in front of the proposed building, site distance could improve because use of the loading space would be temporary and intermittent.

**Concern No. 16:** The PMND states that the shadow study<sup>5</sup> found that there would be no impact on the pool/patio area of the 1800 Washington Street building between 11:00 a.m. and 2:00 p.m. During September the proposed project would shade virtually the entire swimming pool. One can hardly characterize shading an entire pool as having “little to no impact.” This section of the PMND should be revised to better describe the shadow effect of the new building.

**Response No. 16:** An expanded discussion of the shadow impact on the pool/patio area has been added to the PMND. This amended discussion can be found in Response No. 2 of this document.

**Concern No. 17:** The shading of some Pacific Place condominiums would affect one person with borderline Seasonal Affective Disorder, and have negative effects on their health. This is pertinent to CEQA’s Mandatory Findings of Significance, which states, “Would the project cause substantial adverse effects on human beings, either directly or indirectly?”

**Response No. 17:** The PMND properly concluded that although some reduced private views and increased shade would be an unavoidable consequence of the Project and would be undesirable for those individuals affected, this would not be a significant effect under CEQA. The following sentence has been

---

<sup>5</sup> Patri Merker Architects. 1840 Washington Shadow Study. September 28, 2004. A copy of the Shadow study is attached to this document as Attachment A.

added to end of the last paragraph on page 13 of the PMND: "As indicated herein impacts on private views are limited." Further, CEQA inquires as to whether a project will affect the environment of persons in general, not whether a project will affect a specific person.

**Concern No. 18:** The current plan creates a significant amount of open space at the rear of the property. If the proposed development were allowed by the Planning Commission to use some of the rear yard space, the neighbor to the north would realize some benefit, the developer could create as much square footage as is now proposed, and the pool/patio area of Pacific Place would not be impacted.

**Response No. 18:** As currently configured, the proposed project is in compliance with the rear yard requirements of the Planning Code, which "are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings." Under certain circumstances these requirements may be waved by the Zoning Administrator in the Van Ness Special Use District (Planning Code Section 243©(2) if the interior block open space is not adversely affected, comparable usable open space is provided elsewhere in the development, and access of light and air to abutting properties will not be significantly impeded. It is not clear how the neighbor to the north would benefit if the proposed structure were moved northwards into the rear yard area of the project site. Due to the 15-degree sun angle even a setback of 20 feet from the property line would not be substantially different than the proposed project in terms of the effects on Pacific Place. Removing three to four floors would improve solar access on Pacific Place but would not maintain the unit count proposed by the project sponsor.





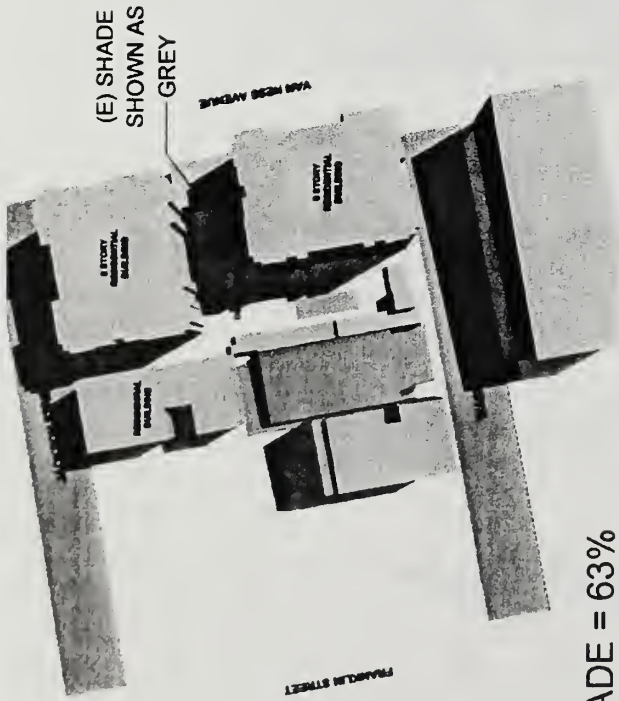
# ATTACHMENT A

## 1840 Washington Shadow Study Summary by Patri-Merker Architects

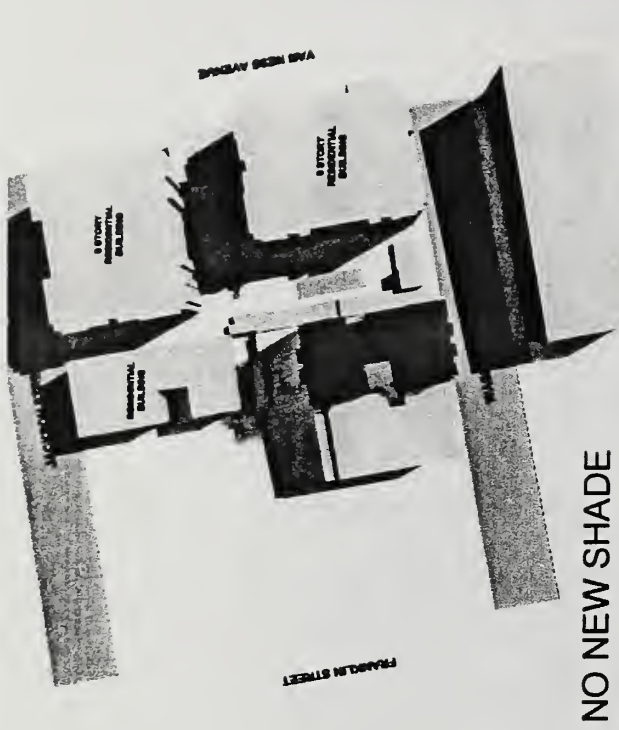
Net additional shade  
(existing shade% / total shade %)

Period/Time	Mar. 21	June 21	Sept.21	Dec. 21
11 am	no new shade (63%/63%)	no new shade (73%/73%)	no new shade (89%/89%)	no new shade (60%/60%)
12 noon	no new shade (24%/24%)	no new shade (47%/47%)	no new shade (63%/63%)	+12% (non-pool) (38%/50%)
1 pm	+ 8% (22%/30%)	no new shade (10%/10%)	no new shade (24%/24%)	+ 40% (35%/75%)
2 pm	+40% (23%/63%)	+ 3% (9%/12%)	+18% (22%/40%)	+52% (44%/96%)
3 pm	+34% (39%/73%)	+13% (23%/36%)	+40% (23%/63%)	+ 6% (94%/100%)
4 pm	- 5% (72%/67%)	+25% (26%/51%)	+35% (39%/74%)	no new shade (100%/100%)

Peak usage time for pool/patio area per Pacific Place HOA : 11am to 2 pm

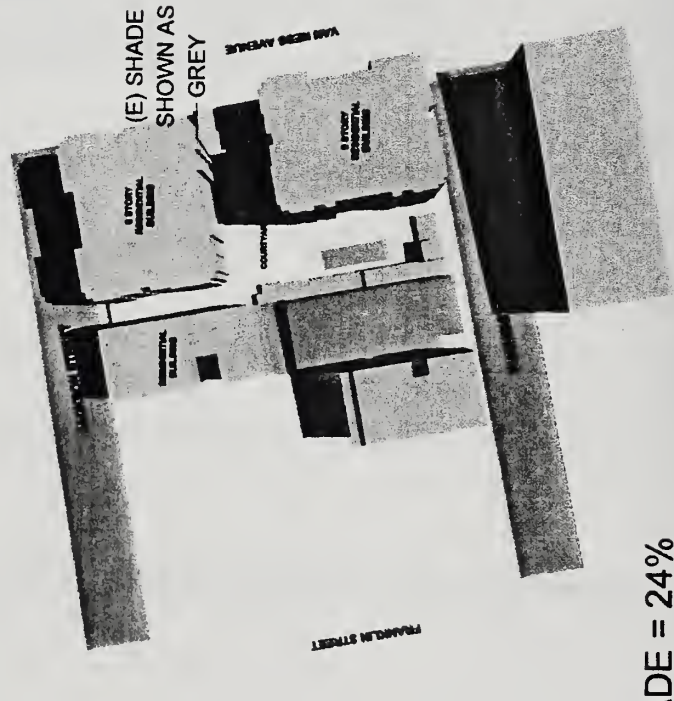


(E) SHADE = 63%

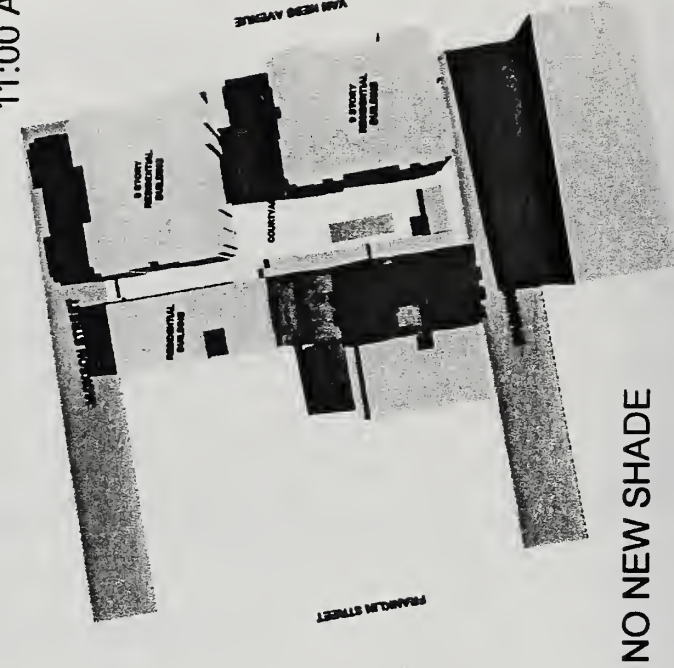


NO NEW SHADE

11:00 A.M.



(E) SHADE = 24%



NO NEW SHADE

12:00 P.M.

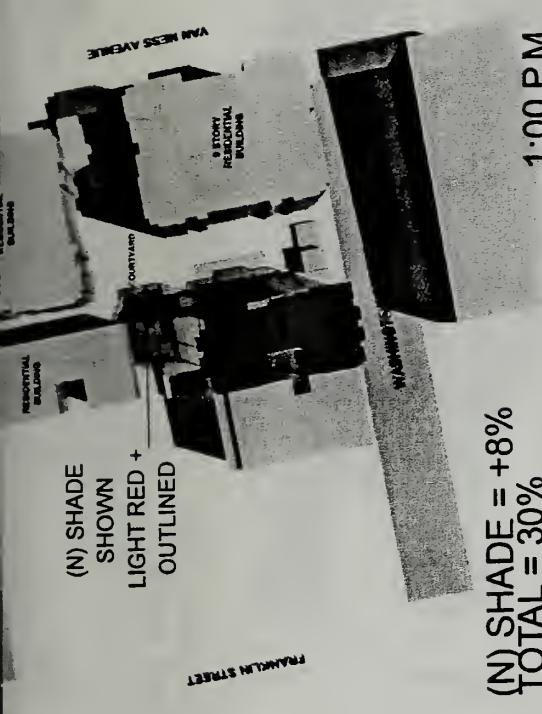
EXISTING

PROPOSED



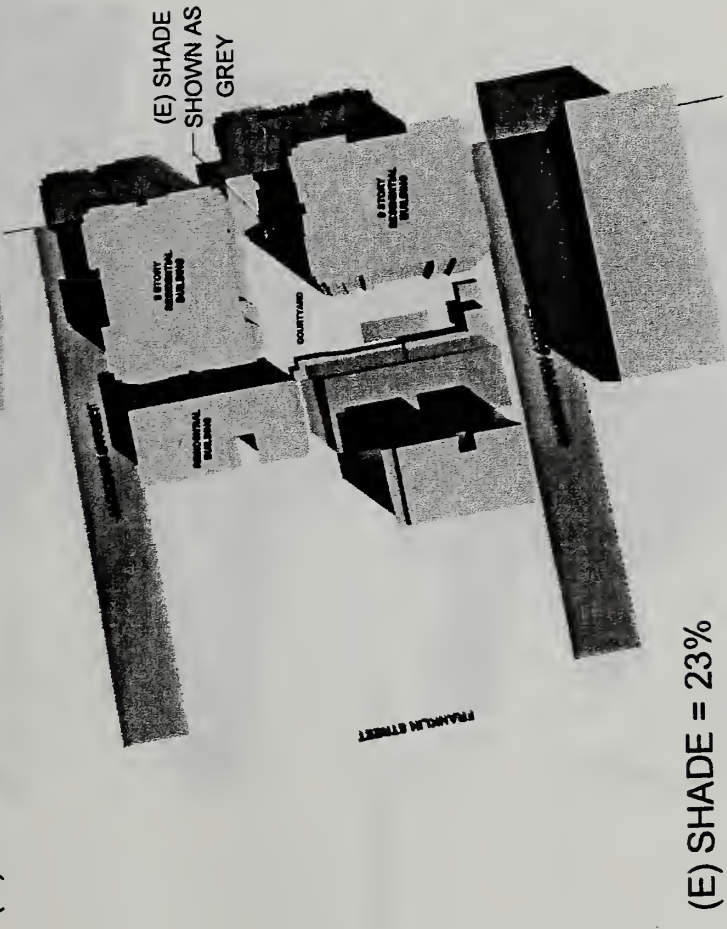


(E) SHADE = 22%

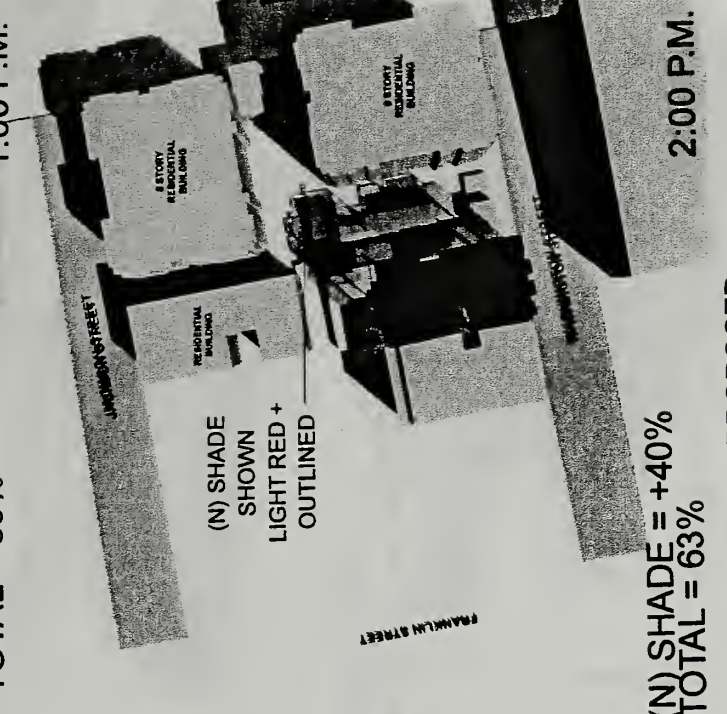


(N) SHADE SHOWN LIGHT RED + OUTLINED

(N) SHADE = +8%  
TOTAL = 30%



(E) SHADE = 23%



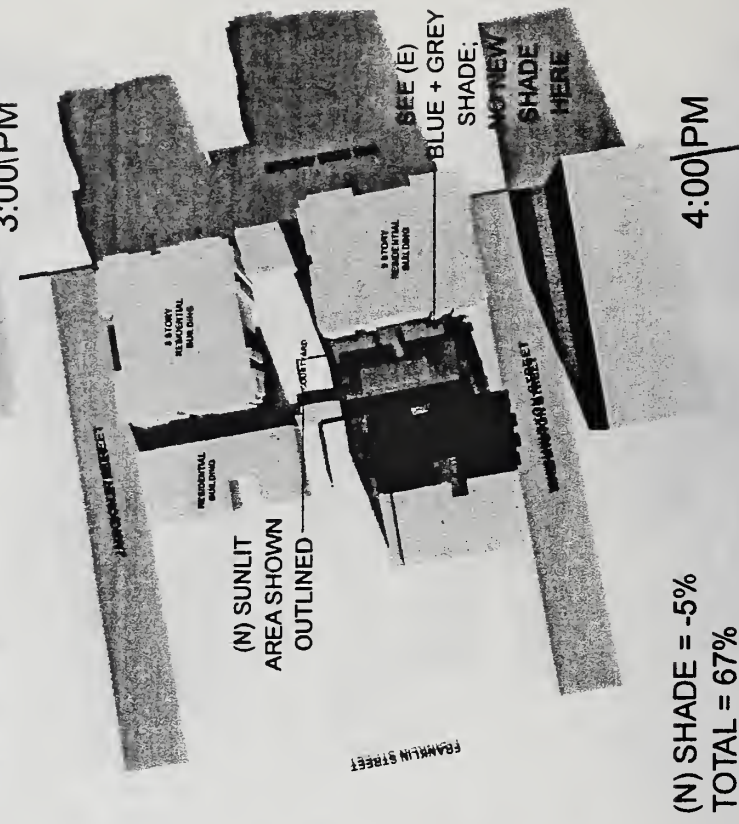
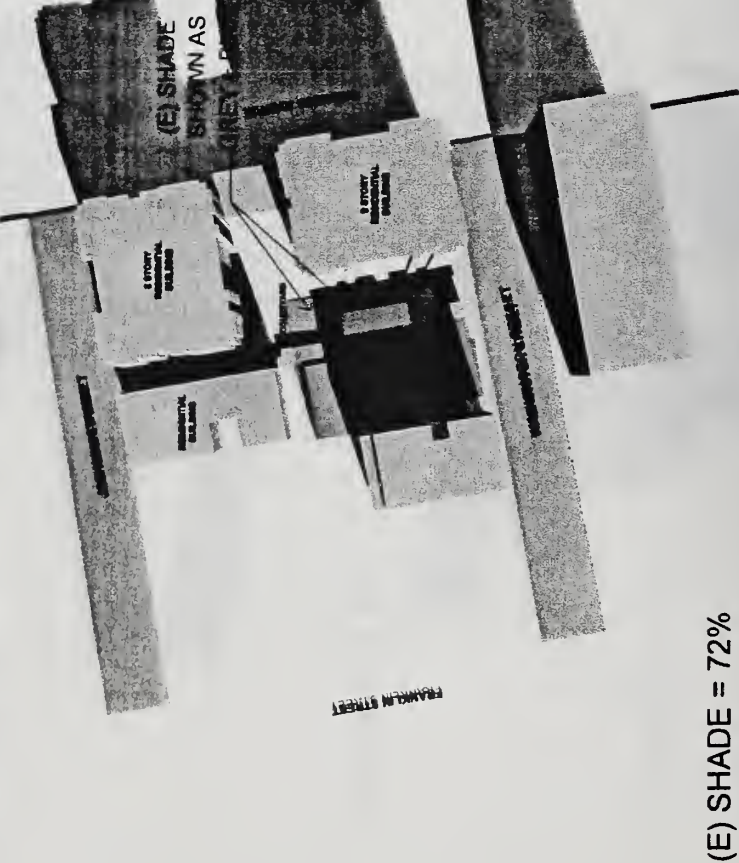
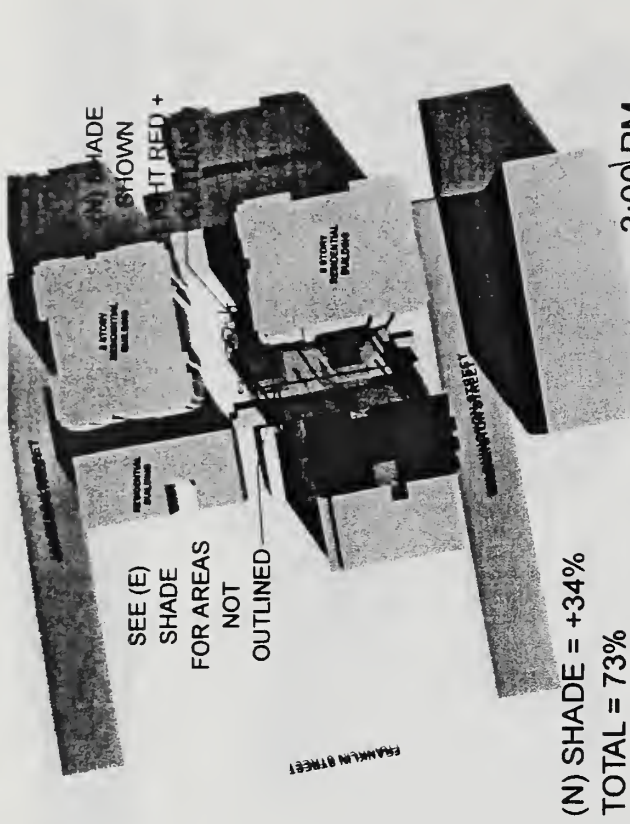
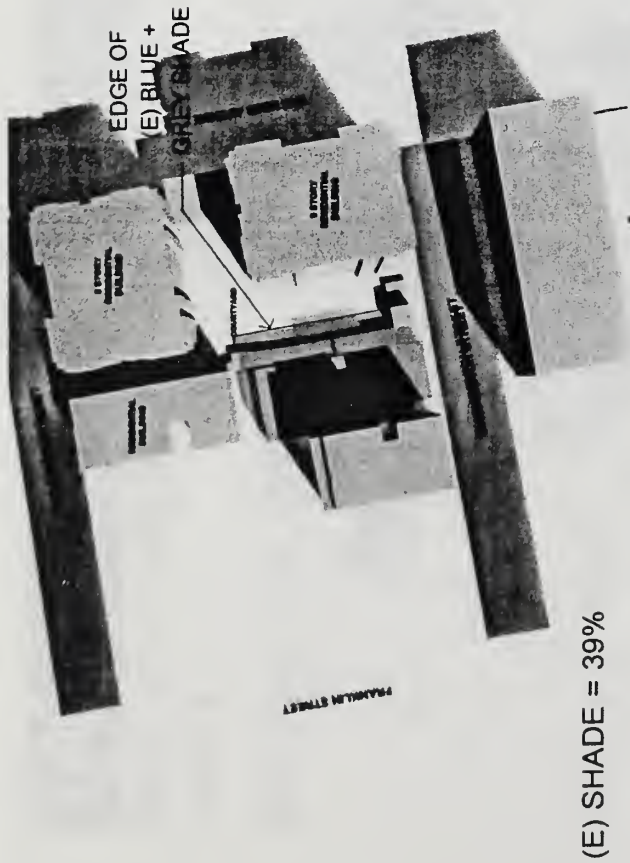
(N) SHADE SHOWN LIGHT RED + OUTLINED

(N) SHADE = +40%  
TOTAL = 63%

EXISTING

PROPOSED

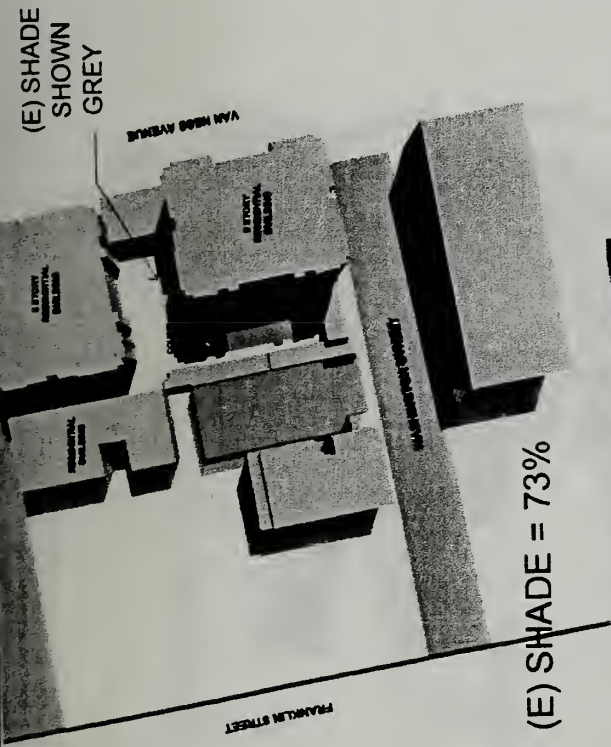




EXISTING

PROPOSED

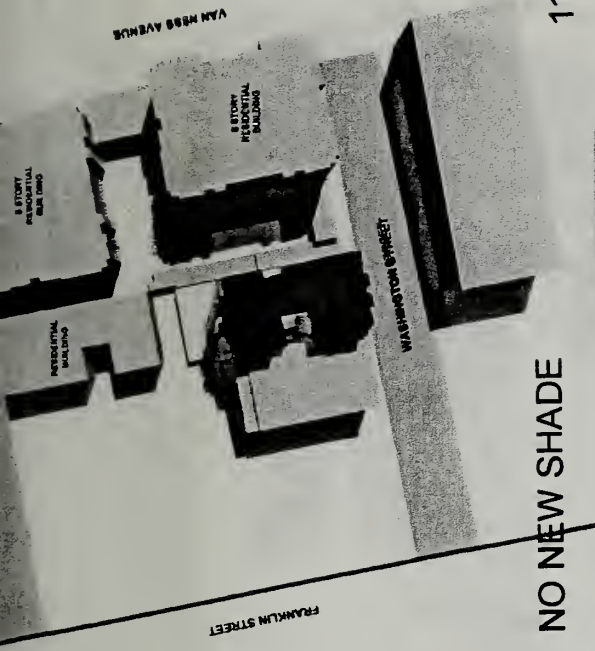




(E) SHADE = 73%

11:00 AM

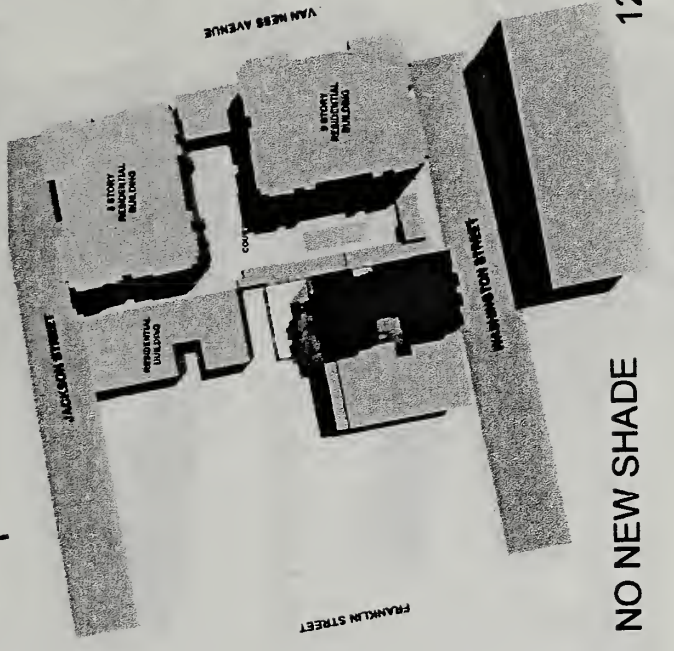
NO NEW SHADE



(E) SHADE = 47%

12:00 PM

NO NEW SHADE



EXISTING

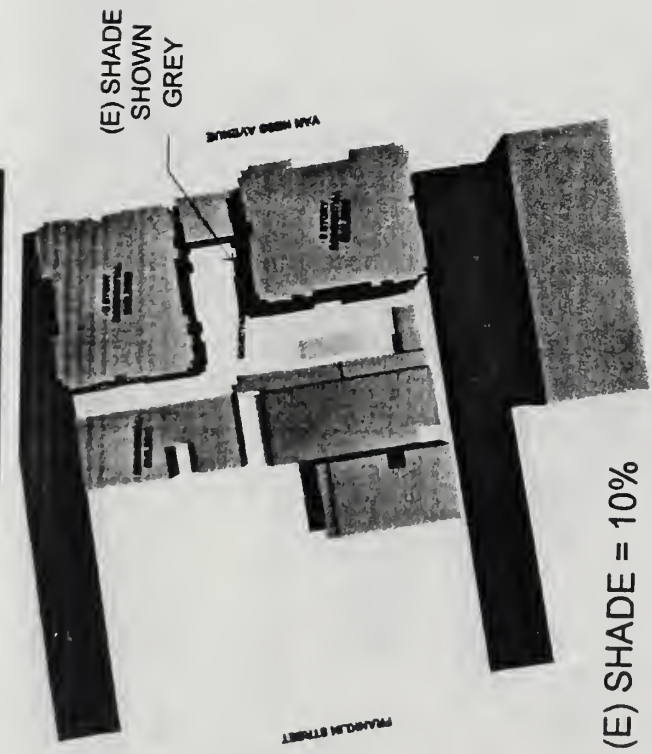
PROPOSED



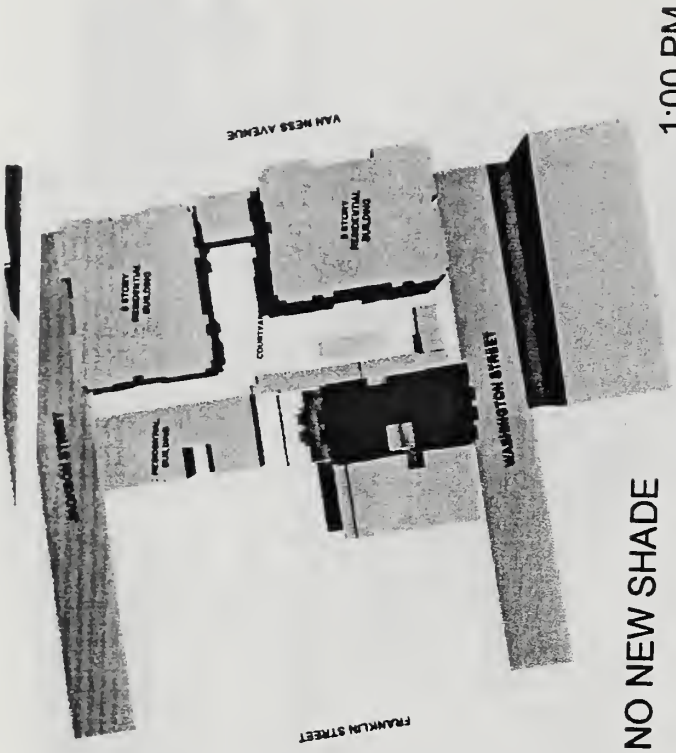
page 1

JUNE 21 . SHADOW STUDY . DAYLIGHT SAVING TIME

**1840 WASHINGTON STREET . PATRI MERKER ARCHITECTS**

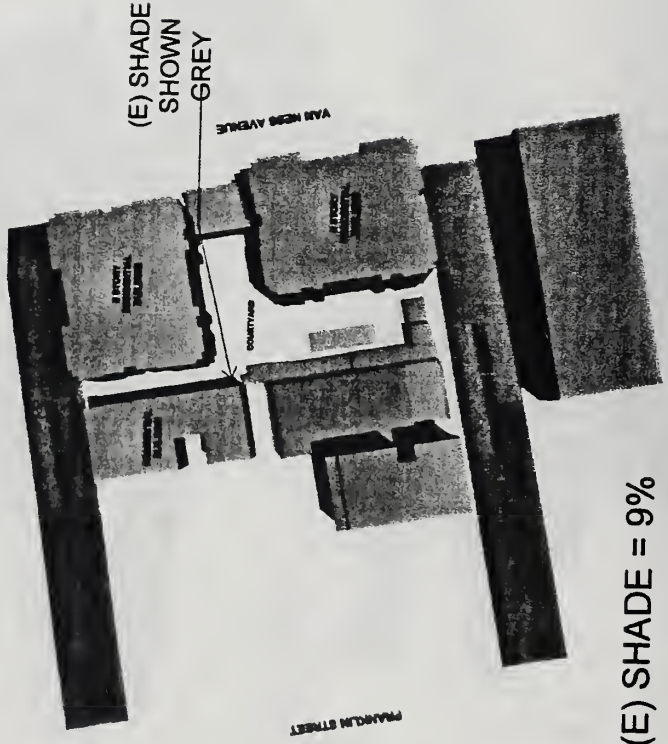


(E) SHADE = 10%

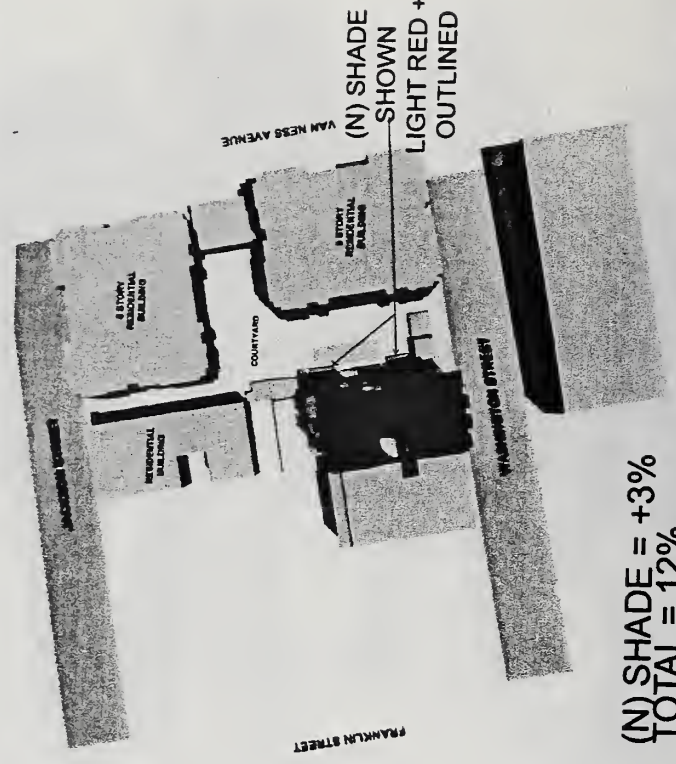


NO NEW SHADE

1:00 PM



(E) SHADE = 9%



(N) SHADE = +3%  
TOTAL = 12%

2:00 PM



PROPOSED

EXISTING

SHOWN

SHOWN

SHOWN  
GREY +  
OUTLINED

SHOWN  
LIGHT RED +  
OUTLINED

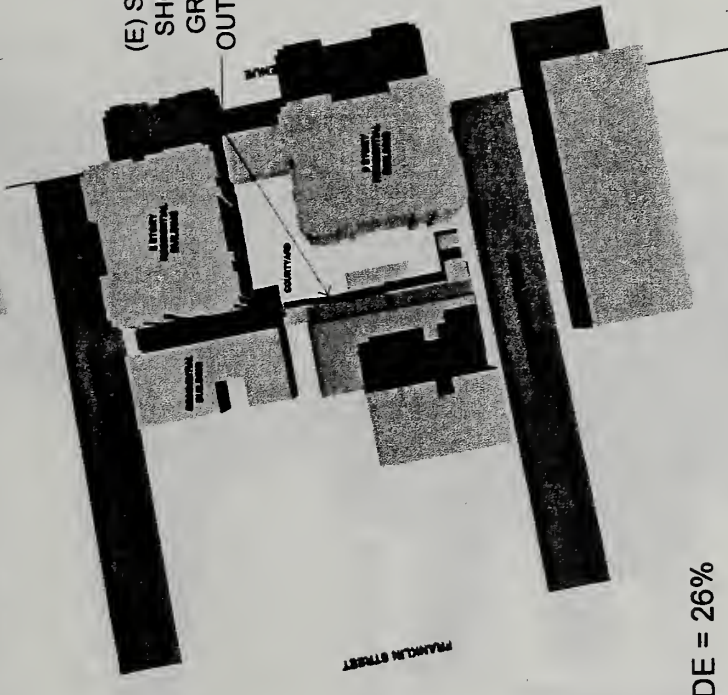


(E) SHADE = 23%

(N) SHADE = +13%  
TOTAL = 36%

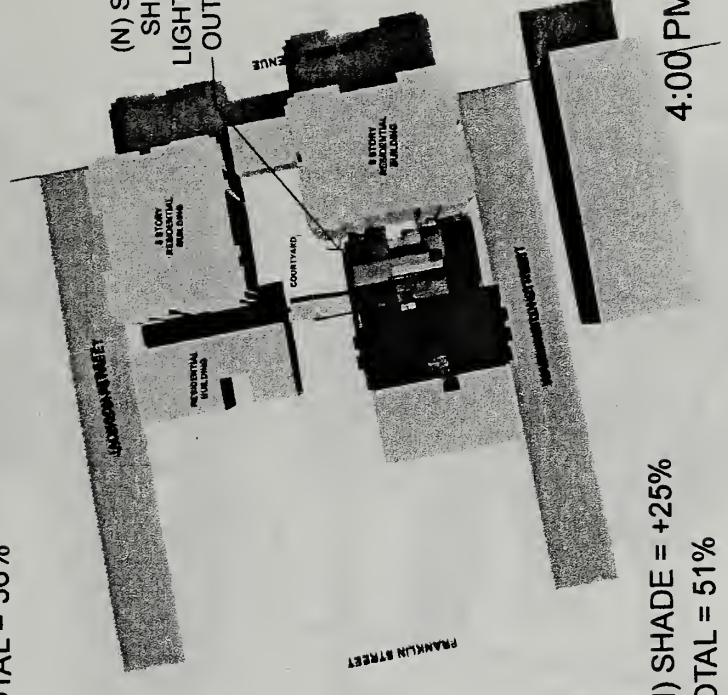
3:00 PM

(E) SHADE  
SHOWN  
GREY +  
OUTLINED



(E) SHADE = 26%

(N) SHADE  
SHOWN  
LIGHT RED +  
OUTLINED



(N) SHADE = +25%  
TOTAL = 51%

4:00 PM

EXISTING

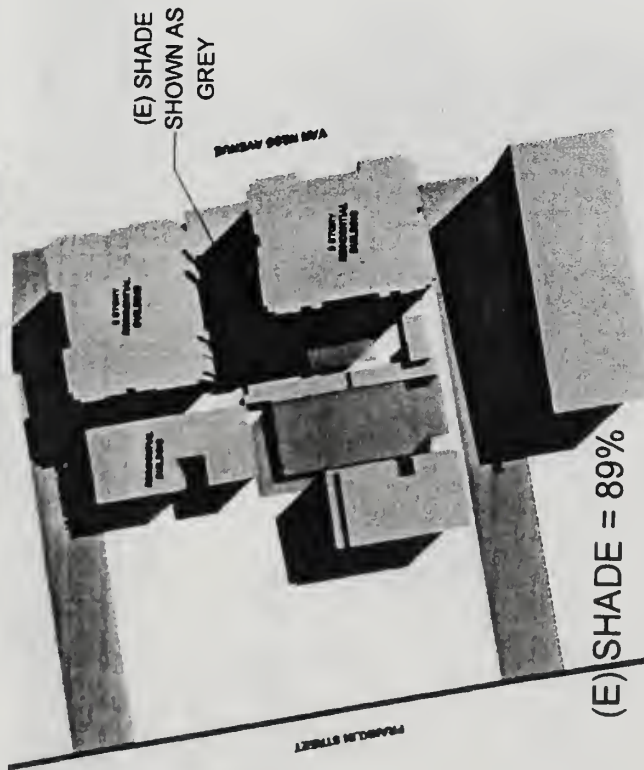
PROPOSED



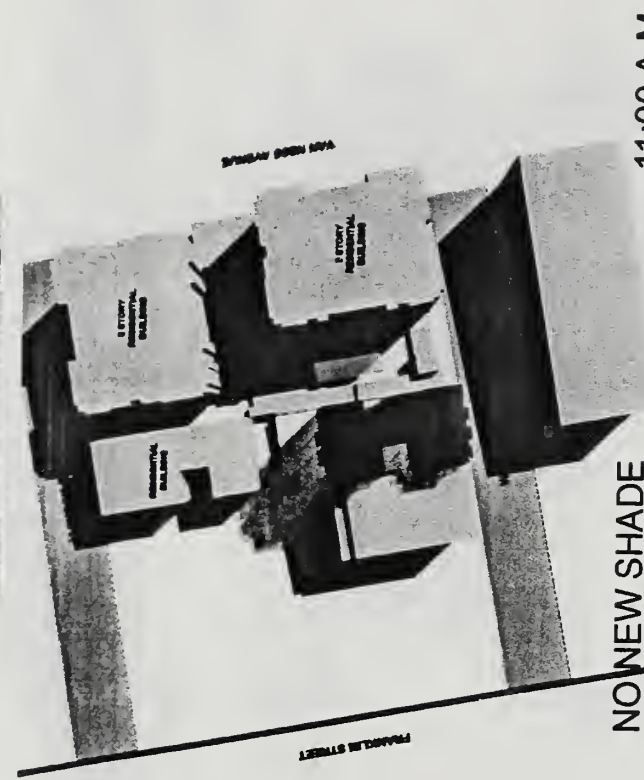
page 3

JUNE 21 . SHADOW STUDY . DAYLIGHT SAVING TIME

**1840 WASHINGTON STREET . PATRI MERKER ARCHITECTS**

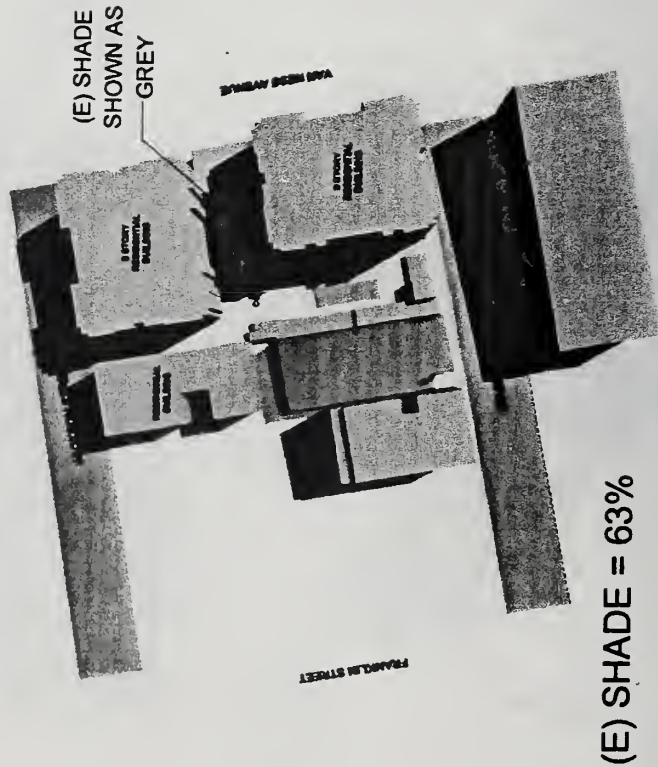


(E) SHADE = 89%

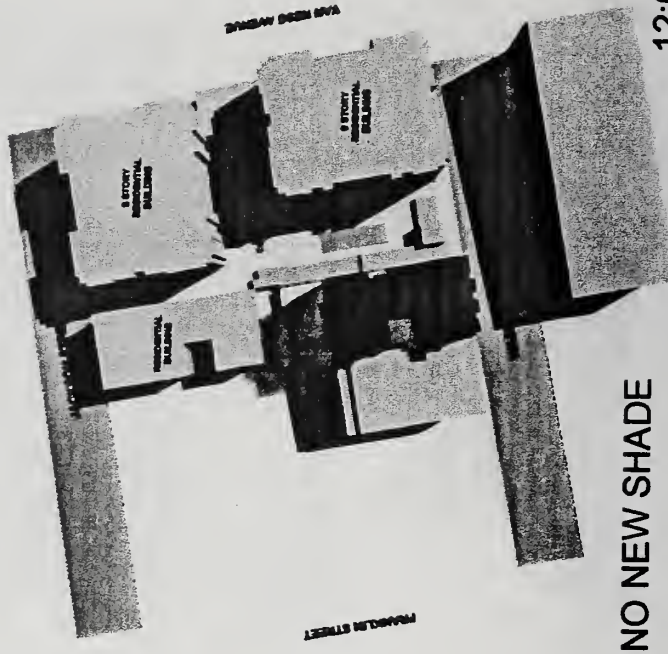


NO NEW SHADE

11:00 A.M.



(E) SHADE = 63%

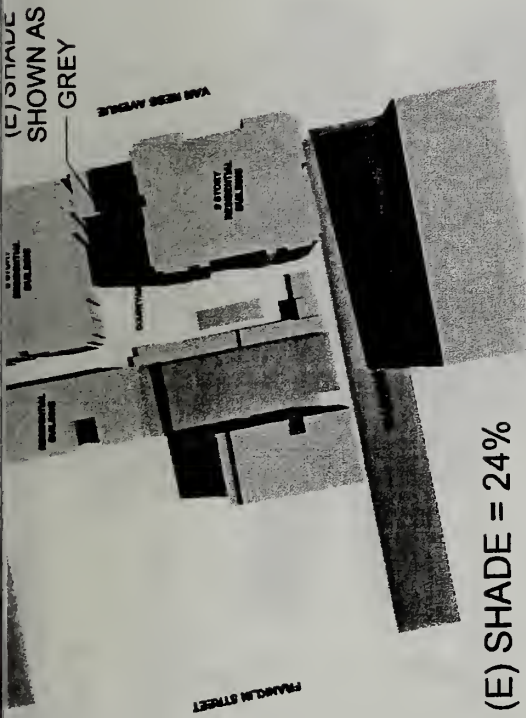


NO NEW SHADE

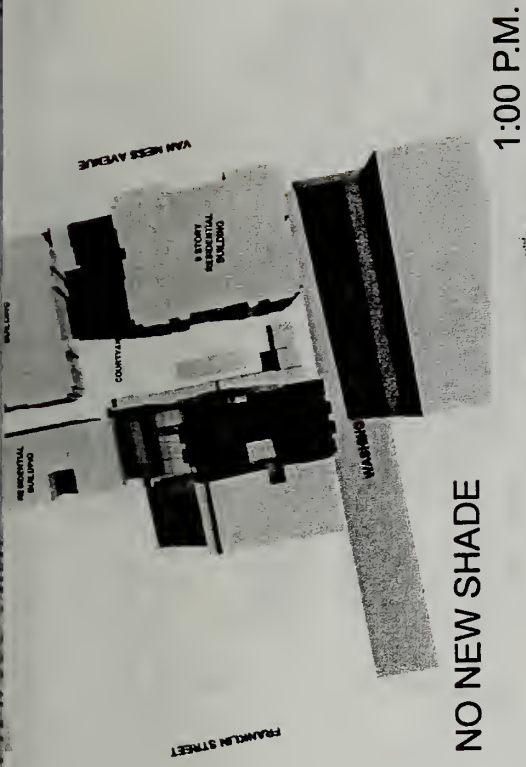
12:00 P.M.





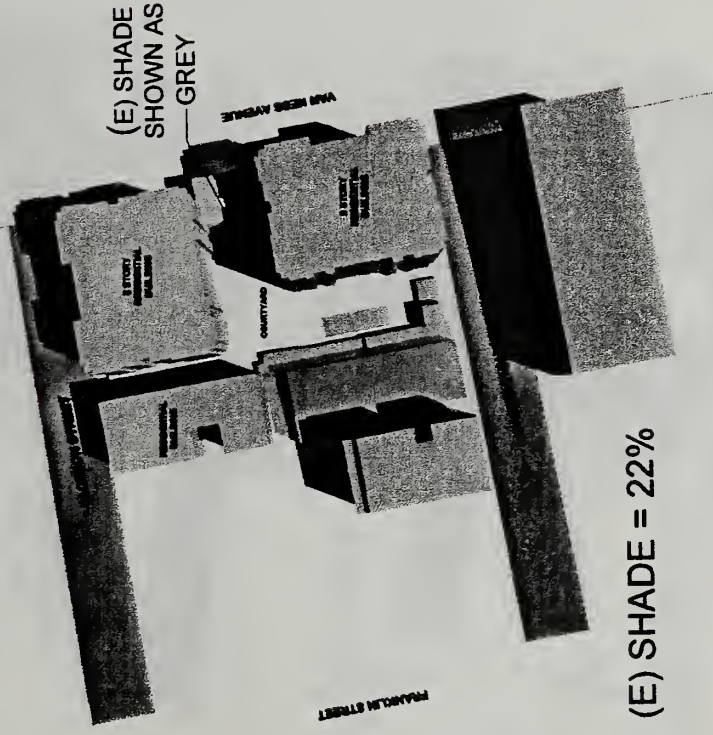


(E) SHADE = 24%

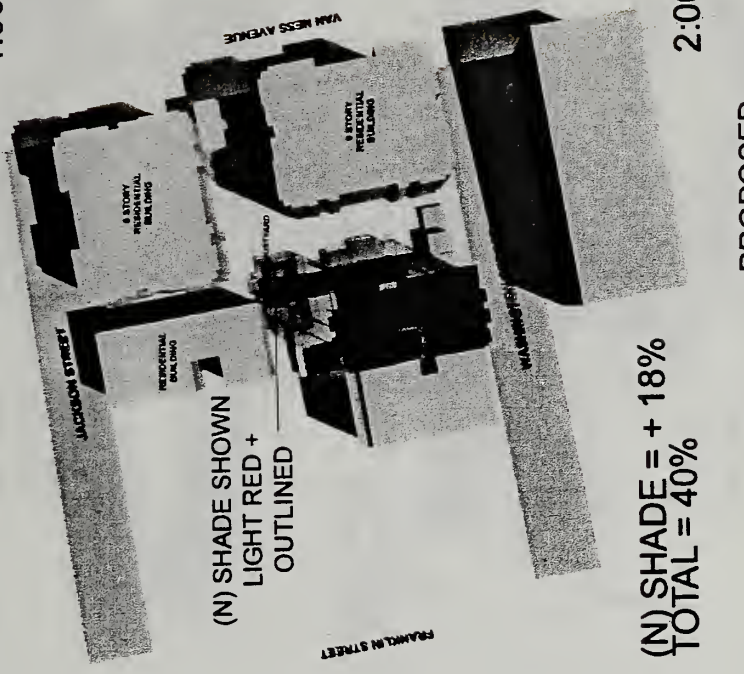


NO NEW SHADE

1:00 P.M.



(E) SHADE = 22%



(N) SHADE = + 18%  
TOTAL = 40%

2:00 P.M.

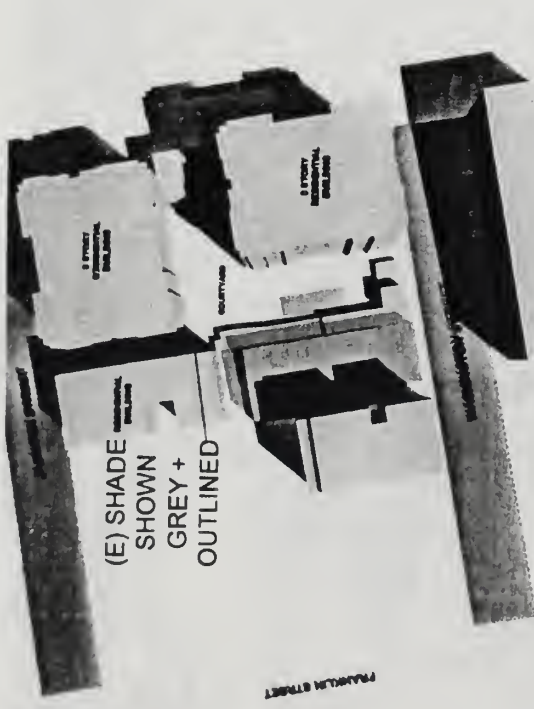
EXISTING

PROPOSED



page 2  
SEPTEMBER 21 . SHADOW STUDY . DAYLIGHT SAVING TIME

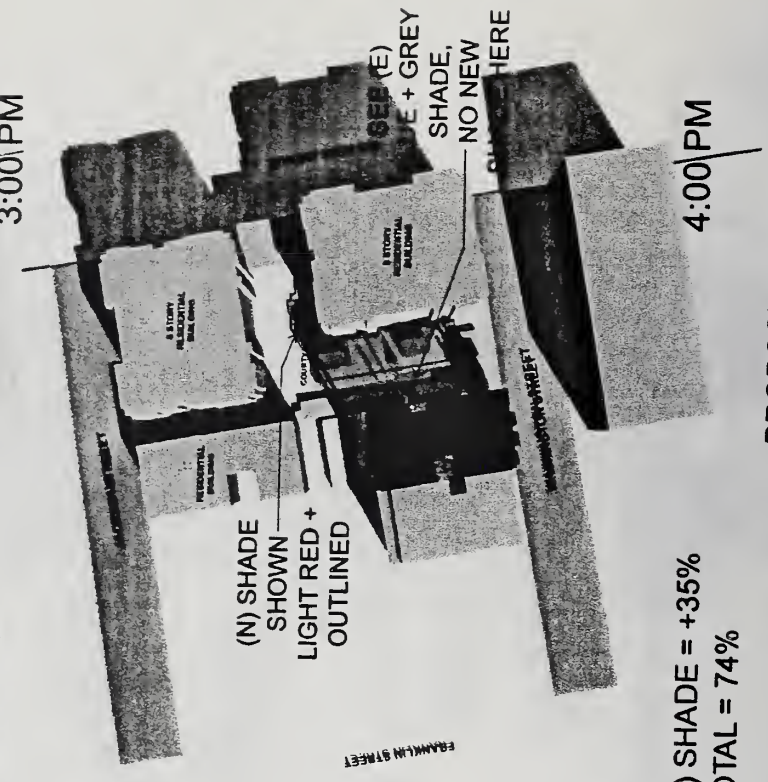
**1840 WASHINGTON STREET . PATRI MERKER ARCHITECTS**



(E) SHADE = 23%

3:00 PM

(N) SHADE = +40%  
TOTAL = 63%



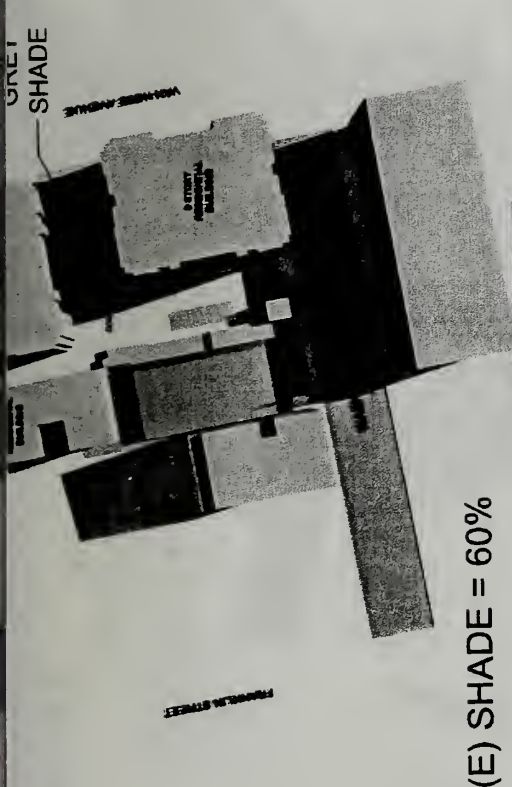
(N) SHADE = +35%  
TOTAL = 74%

4:00 PM

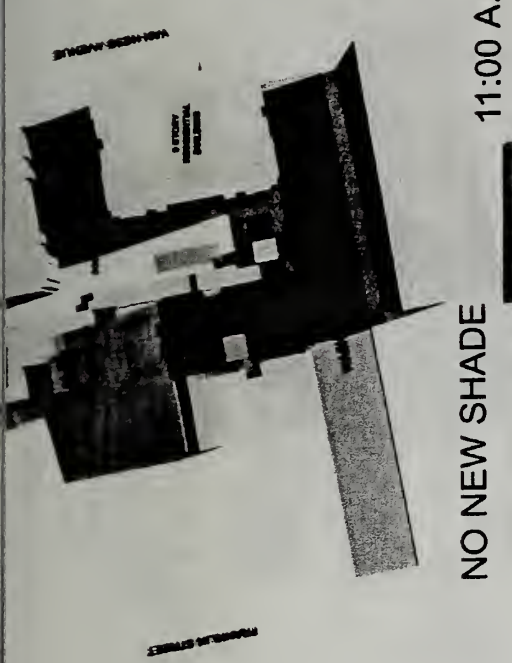
EXISTING

PROPOSED

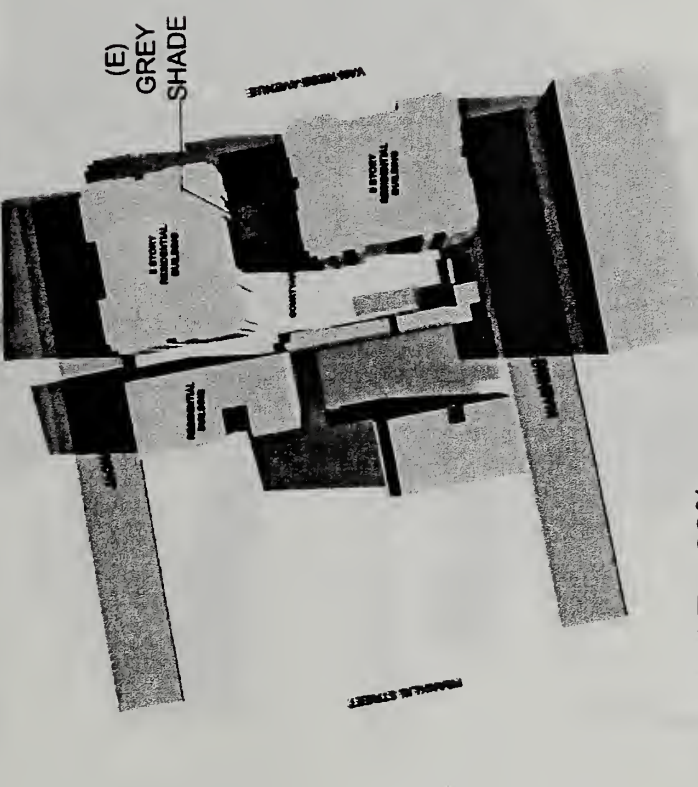




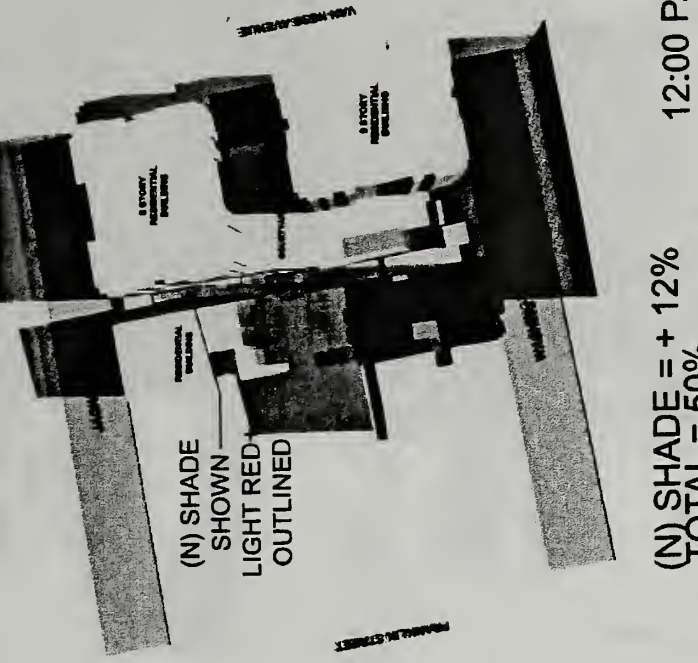
(E) SHADE = 60%



NO NEW SHADE



(E) SHADE = 38%



(N) SHADE = + 12%  
TOTAL = 50%

PROPOSED

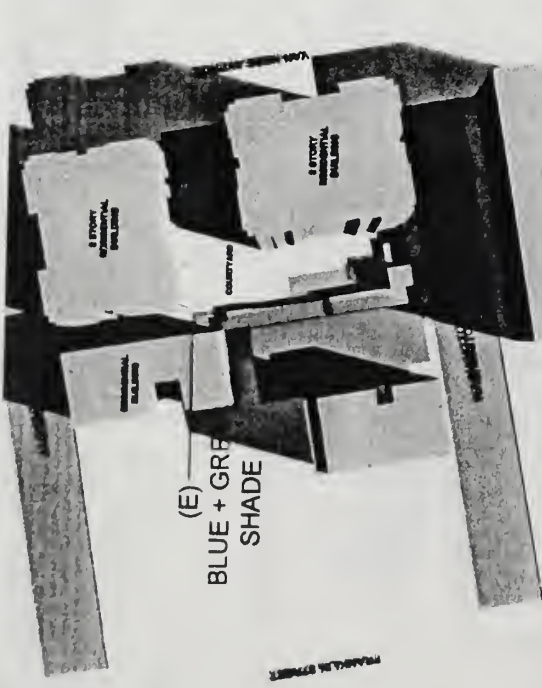
EXISTING

page 1

DECEMBER 21 . SHADOW STUDY



1840 WASHINGTON STREET . PATRI MERKER ARCHITECTS



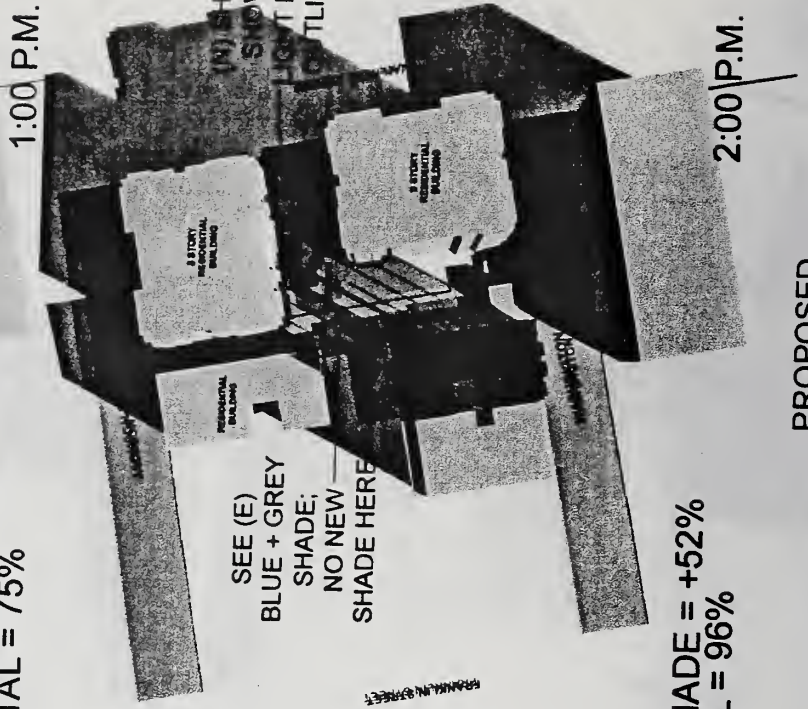
(E) SHADE = 35%

1:00 P.M.

(N) SHADE = + 40%  
TOTAL = 75%

1:00 P.M.

(N) SHADE = + 52%  
TOTAL = 96%



(E) SHADE = 44%

2:00 P.M.

(N) SHADE = + 52%  
TOTAL = 96%

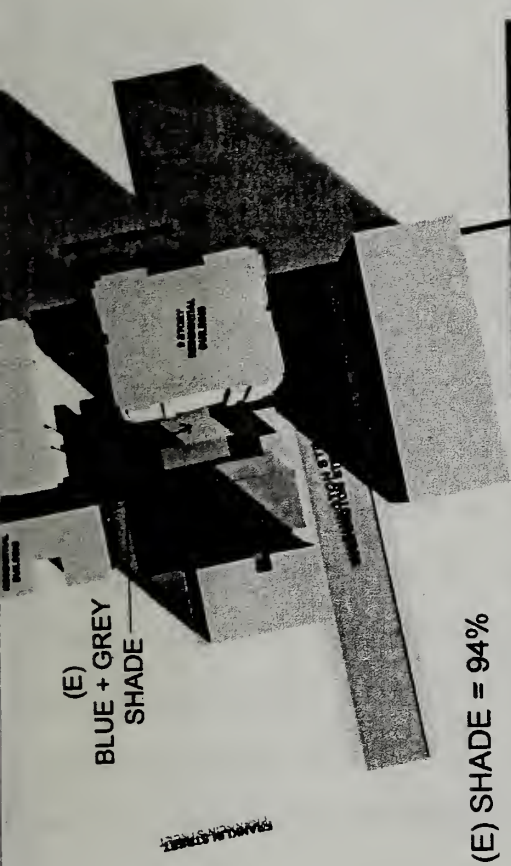
EXISTING

page 2

PROPOSED

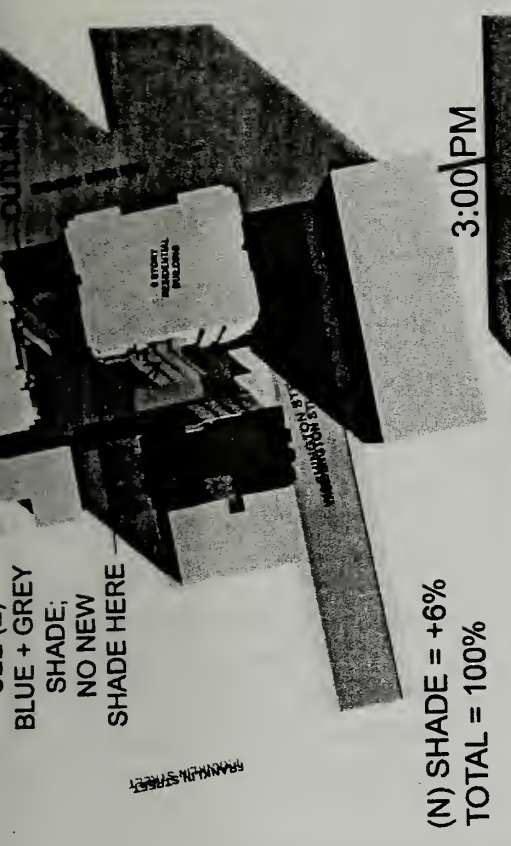
SEE (E) BLUE + GREY SHADE

(E)



(E)  
BLUE + GREY  
SHADE

(E) SHADE = 94%

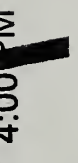


BLUE + GREY  
SHADE:  
NO NEW  
SHADE HERE

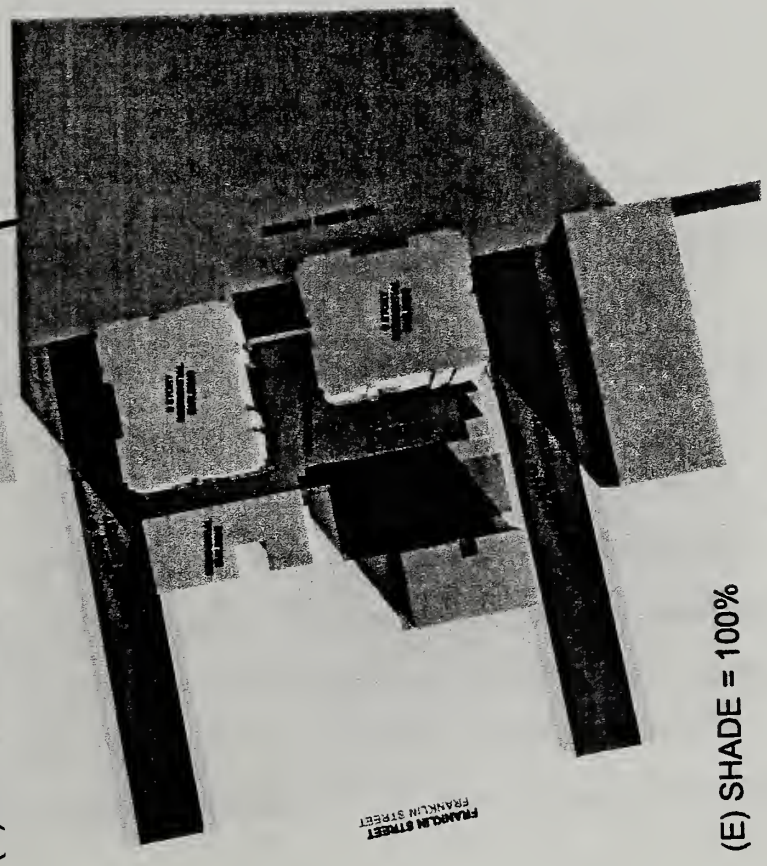
(N) SHADE = +6%  
TOTAL = 100%

3:00 PM

4:00 PM



PROPOSED



(E) SHADE = 100%

EXISTING

page 3

DECEMBER 21 . SHADOW STUDY

1840 WASHINGTON STREET . PATRI MERKER ARCHITECTS

Pa  
En  
Pla  
Cit  
16  
Sar

De

Co

W

an

De

Sa

ad

Pla

wi

fea

pro

RECEIVED  
MAR 14 2005  
PLANNING DEPT



## PACIFIC PLACE

March 10, 2005

Paul Maltzer  
Environmental Review Officer  
Planning Department  
City and County of San Francisco  
1660 Mission Street, Suite 500  
San Francisco, CA 94103-2414

Re: Your Case File # 2004.0220E-1840 Washington Street

Dear Mr. Maltzer:

Pacific Place Homeowners' Association hereby appeals to the Planning Commission from the Planning Department's determination of the that the 1840 Washington Street project ("Project") will have no significant effect on the environment, and from its related notice of intention to adopt the Preliminary Mitigated Negative Declaration ("Negative Declaration") for this Project. This appeal is made pursuant to the San Francisco Administrative Code, Chapter 31, § 31.11(e).

The Negative Declaration is inadequate in several respects. It fails to address adequately the Project's significant adverse impacts on sunlight available for Pacific Place's open space and swimming pool area, fails to discuss the Project's inconsistencies with the San Francisco General Plan and related planning documents, and fails to propose feasible mitigation measures including the failure to consider an alternative smaller project. Accordingly, the Planning Commission must overrule the Planning Department's

PACIFIC PLACE OWNERS ASSOCIATION

C/O TITAN MANAGEMENT GROUP • 1800 WASHINGTON STREET • SAN FRANCISCO • CA • 94109

415.885.0799 OFFICE • 415.885.0798 FAX

finding of no significant impact and direct that an environmental impact report be prepared for this proposed Project.

**1. An environmental impact report ("EIR") is required for any project that may arguably have a significant effect on the environment.**

The California Environmental Quality Act ("CEQA") is a comprehensive statute whose purpose is to provide long-term protection to the environment. (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal 4<sup>th</sup> 105, 112. The statutory scheme requires that the public and its responsible officials be informed of the environmental consequences of their decisions before they are made (*Napa Citizens For Honest Government et al. v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342). To that end, CEQA requires public agencies to evaluate proposed projects to determine whether they may arguably have a significant effect on the environment. If there is substantial evidence to support a fair argument that a proposed project may have a significant environmental effect, then an environmental impact report must be prepared. (*Friends of "B" Street v. City of Hayward* (1980) 106 Cal App 3d 988; 14 Cal Code Regs §15064(f)(1)).

CEQA provides that "Significant effect on the environment means a substantial, or potentially substantial, adverse change in the environment" (Public Res. Code § 21068). CEQA Guidelines section 15382 (14 Cal Code Regs § 15382) elaborates on this statutory definition. It specifies that "Significant effect on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project..." Any "appreciable" or "non trivial" change in the surrounding area qualifies as substantial within the meaning of CEQA.

Neither CEQA nor the CEQA Guidelines distinguishes between physical changes to public and private areas affected by a project. In this case, the area affected is the Pacific Place open space and swimming pool area. Accordingly, with respect to the



1840 Washington Street Project, the Planning Department was required to evaluate the Project's effect on Pacific Place. Those effects are substantial and require the preparation of an EIR on the proposed Project.

**2. The proposed Project will have a substantial adverse impact on the sunlight available to the Pacific Place open space and swimming pool area.**

The Negative Declaration acknowledges that the Project will have an adverse impact on the Pacific Place courtyard and swimming pool area, however it minimizes the nature and extent of that impact, fails to discuss it in relation to applicable planning priorities, and incorrectly concludes that the impact constitutes no more than an "inconvenience" to the residents of Pacific Place.

At the outset, it must be noted that the Negative Declaration incorrectly asserts that the Pacific Place is on record stating that its residents make "peak usage" of the courtyard and pool area between the hours of 11:00 a.m. and 2:00 p.m. At best, this assertion is vague and misleading. At worst, it is patently false and we specifically disavow it. It fails to take into account how the time of year and the amount of sunlight affects the Pacific Place residents' use of their open space and pool area and it provides no definition of "peak usage". The fact is that while the residents make substantial use of the open space and pool area all year, their use tends to be greater in the spring, summer and autumn when it is warmer and sunlight is more available. During those times, the residents make maximum or "peak" use of the open space and pool area when the adjacent buildings do not block the sun. Anyone who is familiar with the public's use of outdoor pools and ocean beaches will appreciate the relationship between available sunlight and maximum or "peak" usage.

Pacific Place commissioned the Berkeley California based firm Environmental Vision to prepare a shadow study of the proposed Project. A copy of that shadow study is attached hereto. It shows that the proposed Project will have a substantial adverse impact

on the sunlight available to the Pacific Place open space and pool area precisely at the times when maximum usage occurs. Specifically, on September 21, perhaps the best time of year in San Francisco, the proposed eight story building will increase the shadow on the open space and pool area by 20% at 2:00 p.m., and by 40% at 3:00 p.m. That is an “appreciable”, “non trivial” change within the meaning of CEQA (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal 3d 68, 83. On June 21, the proposed eight story building will increase the shadow on the open space and pool area by an “appreciable” and “non trivial” 15 % at 3:00 p.m. and by 34% at 4:00 p.m. (See page 3 of the attachment).

The Negative Declaration attempts to trivialize this appreciable loss of sunlight by asserting that it constitutes nothing more than an “inconvenience” to the residents. That is an outlandish characterization. Clearly, the loss of sunlight to a swimming pool is more than an inconvenience. The Environmental Vision shadow study conclusively shows that the loss in this case is substantial. The Negative Declaration asserts also, without citing any authority, that the loss of sunlight to private property is not considered significant under CEQA. This implies that sunlight is not an environmental value within the meaning of CEQA. There is no authority for such a proposition. This assertion is flat wrong. As noted above, CEQA requires an evaluation of a project’s effects on the surrounding area without regard to whether the area is public or private (14 Cal Code Regs § 15382). The Planning Commission must find that the Negative Declaration is deficient for failure to perform this evaluation adequately. The facts available show that an EIR must be prepared to evaluate and mitigate the adverse impacts of the proposed Project.

**3. The Negative Declaration fails to discuss conflicts between the proposed Project and the San Francisco General Plan and other applicable policies and regulations.**

By substantially interfering with the sunlight available to the Pacific Place open space and pool area, the proposed Project conflicts with applicable San Francisco policies and regulations whose purpose is to promote and protect sun exposure to public and private open spaces.

Pacific Place is comprised of 149 residential units. The Planning Commission approved it in 1996 in part based on its finding that Pacific Place provides useable open space which maximizes sun exposure to its courtyard and pool area (Planning Commission File No. 96.108C, findings 12 and 13). By providing useable open space, Pacific Place met the objectives of Planning Code § 206(d) which encourages development that provides “adequate... outdoor spaces for its occupants.” The sun exposure to that open space furthers the objectives of the Van Ness Area Plan and is protected by several applicable policies and regulations.

The San Francisco General Plan sets the goal of improving “the city as a place for living” by among other things “providing adequate open spaces”. In furtherance of that goal, the General Plan establishes the priority that “That our parks and open space and their access to sunlight and vistas be protected from development.” The term open space as used in the General Plan is not limited to public open space. Indeed, Planning Code § 102.19 defines open space to include private courtyards. The Van Ness Avenue Area Plan reinforces the proposition that the protection of sun access to open space includes private open space. Section 7.2 of that plan provides that proposed developments should “provide...sun exposure to private and common open space areas”. Section 6.3 provides specifically that buildings should be designed with upper floor set backs to protect sun access to nearby courtyards and open spaces.

The Planning Code expands on these policies and sets out specific requirements to implement them. For example, Planning Code section 101.1 requires the protection of

existing neighborhood character and provides that "our parks and open space and their access to sunlight be protected from development." As noted above, section 206 sets the goal that developments should provide adequate outdoor open space and section 102.19 specifies clearly that the term open space includes both public and private open space.

The Negative Declaration fails utterly to discuss any of these policies and code provisions and the inescapable conclusion that the proposed Project conflicts with the open space policies of the City of San Francisco. While it makes passing reference to the fact that the Proposition M priority policies include the protection of open space, the Negative Declaration does not discuss how those policies apply to the proposed Project. Indeed it concludes, without any discussion of the open space policies, that the proposed Project would not conflict with applicable City planning documents. Accordingly, the Planning Commission must find that the Negative Declaration is inadequate for failure to discuss inconsistencies between the proposed Project and applicable planning policies (14 Cal Code Regs § 15125(d)).

**4. The Negative Declaration fails to discuss alternatives to the Project that would mitigate its adverse impacts.**


The Negative Declaration fails to identify and discuss the Projects significant adverse impacts and its conflicts with the General Plan policies and applicable Planning Code provisions. Accordingly it did not address reasonable mitigation measures that could reduce the Project's adverse impacts. For example, the developer could be required to reduce the building height and to step back the upper floors in accordance with Policy 6.3 of the Van Ness Area Plan. The shadow study attached hereto at page three shows that reducing the building height to five stories would substantially mitigate the Project's adverse impacts. It would reduce the Projects September 21 shadow effect at 2:00 p.m. from 20% to 5%; at 3:00 p.m. from 40% to 18%; and at 4:00 p.m. from 34% to 25%. On June 21, it would reduce the shadow effect at 3:00 p.m. from 15% to 5%, and at 4:00 p.m.

from 24% to 11%. The shadow study suggests that a five story building with a stepped back sixth story would provide similar mitigation. Indeed, reducing the Project by just one floor and stepping back the two top floors would mitigate somewhat the Project's significant impacts. It would reduce the Projects September 21 shadow effect at 2:00 p.m. from 20% to 10%, at 3:00 p.m. from 40% to 27%, and at 4:00 p.m. from 34% to 29%. On June 21, it would reduce the shadow effect at 3:00 p.m. from 15% to 7%, and at 4:00 p.m. from 24% to 16%. If the three top floors were set back, it would further mitigate the Project's adverse impacts. Such alternatives must be considered in the environmental impact report on the proposed Project.

## 5. Conclusion

For all the reasons set forth above, the Planning Commission must find that there is a fair argument that the proposed Project may have significant adverse impacts; that the impacts were not addressed adequately or at all in the Negative Declaration; and therefore that the Negative Declaration fails to meet the requirements of CEQA. Further, based on the Project's potential significant adverse impacts and its inconsistency with the General Plan, the Planning Commission must direct that as proposed, the Project requires preparation of an environmental impact report.

Very Truly Yours,



Joseph Belloumini

President

Pacific Place Homeowners Association

Over  
the

At

pe

M

Th

ca

ti

U

as

re

in

st

In

at

in

b

c

Il

E

a

f

t

i

F

i

e

E

t

I

3

## Overview of 1840 Washington Street Project Shadow Effects on the Pacific Place Pool/Courtyard Area

### I. Introduction

At the request of the Pacific Place Board of Directors, Environmental Vision completed a peer review to verify the general accuracy of the shadow diagrams prepared by Patri-Merker Architects for the 1840 Washington Street project applicants.

The applicant's shadow study consists of 24 diagrams that portray the extent of shadow cast by the proposed building on the pool/courtyard area during six times of day at four times of year to represent spring, summer, fall and winter shadow patterns.

Using the Patri-Merker Architects three-dimensional digital project model and computer-assisted modeling techniques, Environmental Vision completed an independent technical review. Although several minor discrepancies were identified, the results of this review indicate that the diagrams are generally accurate with respect to the extent and location of shadow patterns cast on the pool/courtyard area by the proposed new building.

In addition to completing a review of the applicant's shadow study, Environmental Vision analyzed the potential shadow effects associated with alternative building height scenarios including a four-story, a five-story, a six-story, a seven-story and a stepped-back 6/7-story building. Diagrams were produced to portray existing shadow patterns and new shadow cast by buildings of various heights during selected time periods .

### II. Shadow Effects Associated with Alternative Building Height Scenarios

Environmental Vision's computer-generated diagrams address afternoon shadow effects associated with five alternative building height scenarios. The diagrams, presented as Figures 1 through 5, portray shadow patterns for five building height scenarios ranging from 5 to 8 stories. Shadows effects associated with a stepped-back 6/7-story building are included. The figures portray shadow patterns for the following times and dates:

Figure 1- September 21 at 2pm,

Figure 2- June 21 at 3pm,

Figure 3- September 21 at 3pm,

Figure 4- June 21 at 4pm, and

Figure 5- September 21 at 4pm.

Figure 6 presents two building massing diagrams. These three-dimensional drawings illustrate massing concepts for both a stepped-back 6/7-story building and the proposed eight-story building. The diagrams represent two of the building models which

Environmental Vision utilized to produce the shadow diagrams presented on Figures 1 through 5.

The following table summarizes the shadow effects on the pool/courtyard area associated with alternative height scenarios ranging from 4 to 8 stories and including a stepped-back 6/7-story building alternative. The diagrams and the summary table demonstrate that the most extensive shadow impacts occur under the eight-story building scenario. At 3pm shadows increase by as much as 40% during September. By comparison, shadows cast by a six-story building at this time would result in a 26% shadow increase. At 4pm on September 21 shadows cast by the eight-story building increase by 34% whereas at the same time the six-story building results in a 25% increase. At 2pm, the eight-story building would increase the amount of shadow on the pool/courtyard area by 20% whereas a six-story building would increase shade by 10% and a four-story building would cast virtually no new shadow. The Figure 1 through 5 diagrams indicate that the shadow effects associated with a stepped-back 6/7-story building are comparable to those of a six-story building.

Comparison of the diagrams on Figure 1 indicates the varying amounts of shade that would be cast on the swimming pool itself during September at 2pm. At this time the eight-story building would shade virtually the entire swimming pool while the six-story building would shade only about half the pool area. Similarly, a comparison of the Figure 2 diagrams demonstrates that about half the pool would be shaded by a six-story building at 3pm in June whereas an eight-story building would cast shadow on almost the entire swimming pool area. The diagrams also indicate that with respect to shadow effects on the pool itself, the stepped-back 6/7-story building and the six-story building are comparable.

To varying degrees, the new building would also cast shadow on portions of Pacific Place building façade and windows. The effects related to direct shadow falling on the building's windows involve decreased levels of natural light available within the residences affected. Several of the diagrams indicate when the new building would cast shadow directly on the façade and windows of the Pacific Place building. For example at 3pm in September and 4pm in June, shadows cast by an eight-story would reach the Pacific Place building façade including some windows. However, during the same time periods a six-story building would not cast shadow directly onto the Pacific Place building. It is expected that an eight-story building would cast some amount of shadow on the Pacific Place building façade during afternoon hours throughout the year.



**Comparison of Pool/Courtyard Area Shadow Effects associated with Alternative Building Heights**

Building Height	Existing Shadow/Total incl. New Building* (Increase)		
	2pm	3pm	4pm
<b>4-Story</b>			
June 21	15%/15% (no change)	22%/24% (2%)	29%/36% (7%)
Sept 21	36%/37% (1%)	38%/49% (11%)	44%/64% (20%)
<b>5-Story</b>			
June 21	15%/15% (no change)	22%/27% (5%)	29%/40% (11%)
Sept 21	36%/41% (5%)	38%/56% (18%)	44%/69% (25%)
<b>6-Story</b>			
June 21	15%/15% (no change)	22%/30% (8%)	29%/45% (16%)
Sept 21	36%/46% (10%)	38%/64% (26%)	44%/72% (28%)
<b>7-Story</b>			
June 21	15%/15% (no change)	22%/33% (12%)	29%/50% (21%)
Sept 21	36%/51% (15%)	38%/72% (34%)	44%/75% (31%)
<b>8-Story</b>			
June 21	15%/17%% (2%)	22%/37% (15%)	29%/53% (24%)
Sept 21	36%/56% (20%)	38%/78% (40%)	44%/78% (34%)
<b>Mitigated 6/7- Story**</b>			
June 21	15%/15% (no change)	22%/29% (7%)	29%/45% (16%)
Sept 21	36%/46% (10%)	38%/65% (27%)	44%/73% (29%)

\* Numbers are approximate and indicate percentage of total pool/courtyard area shaded.

\*\* Refer to attached Figure 6.

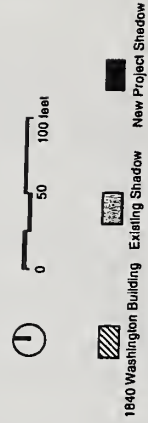
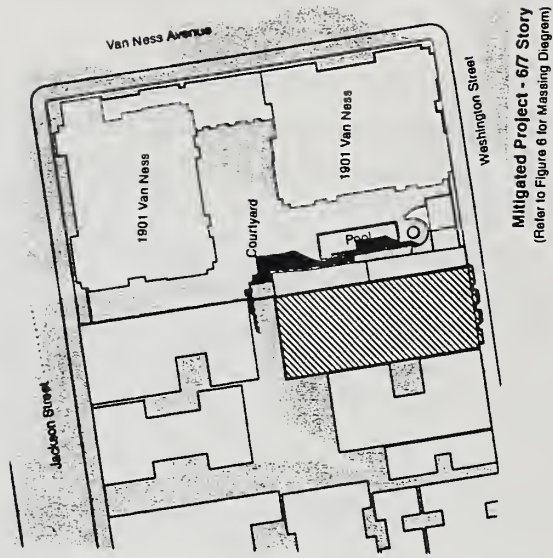
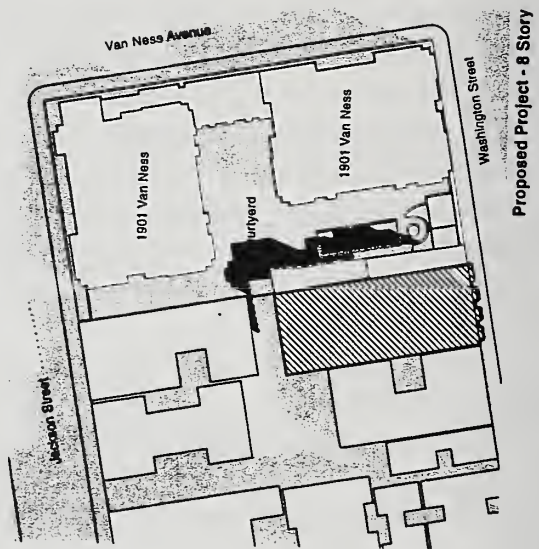
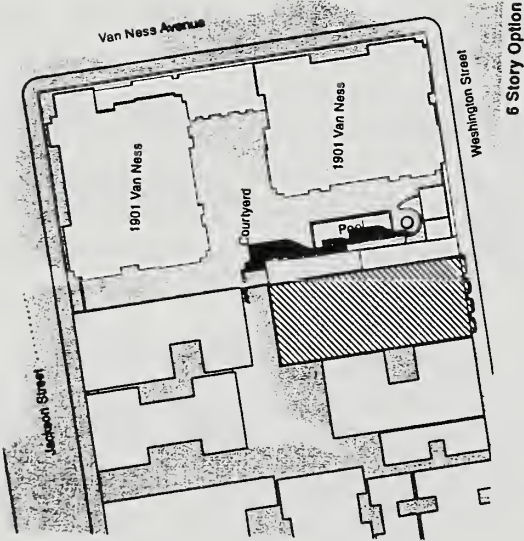
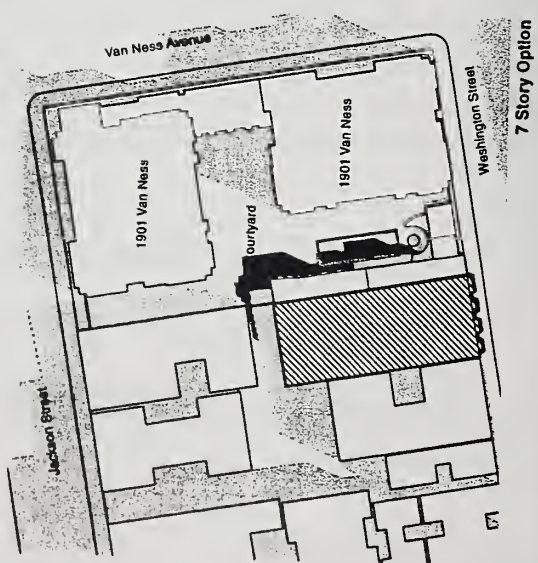
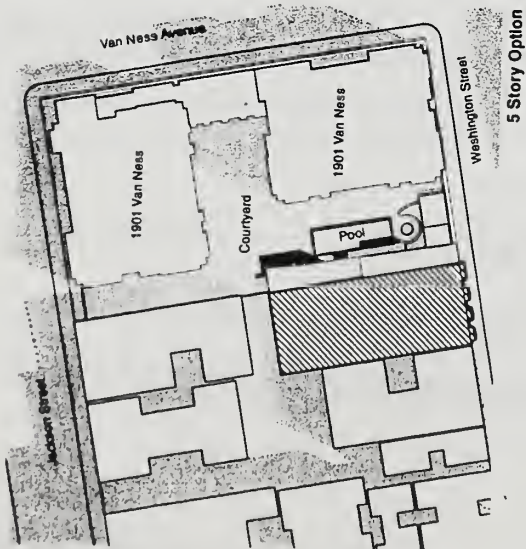
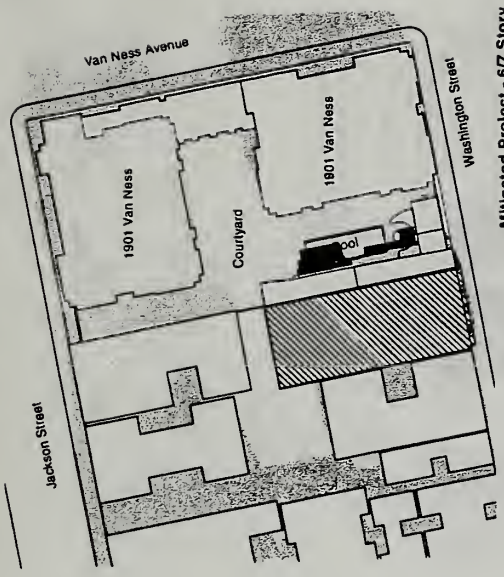
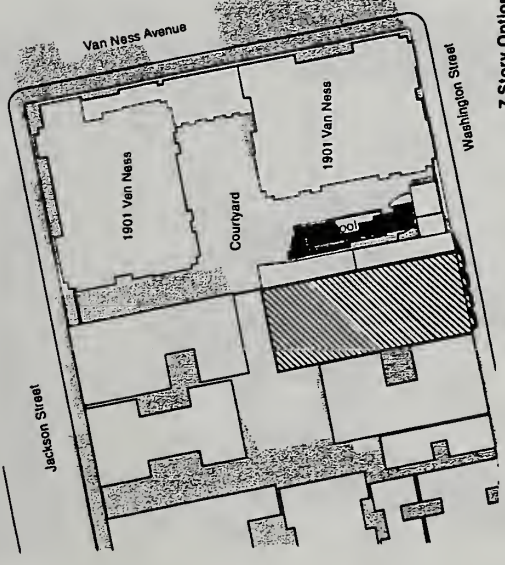
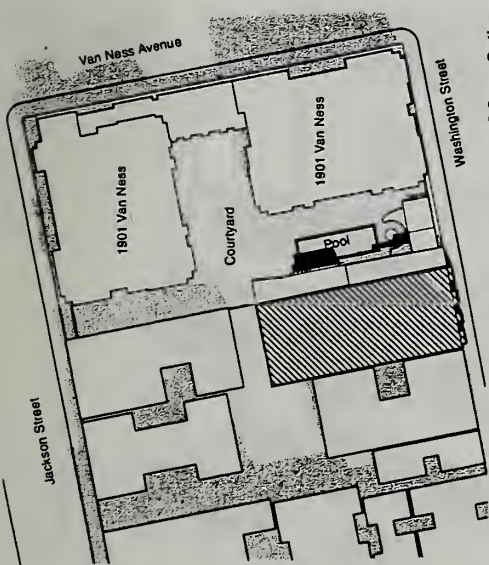
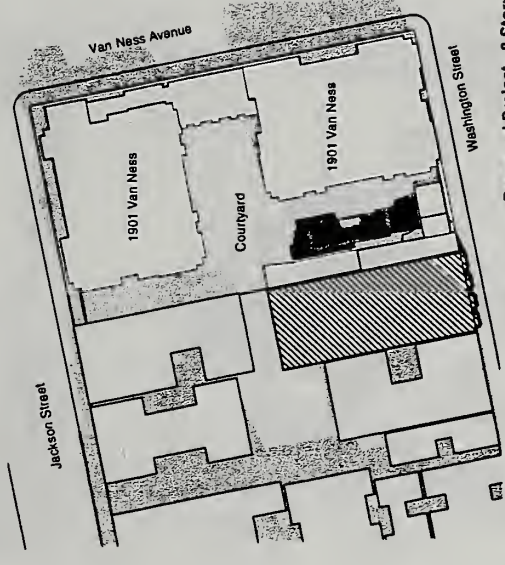
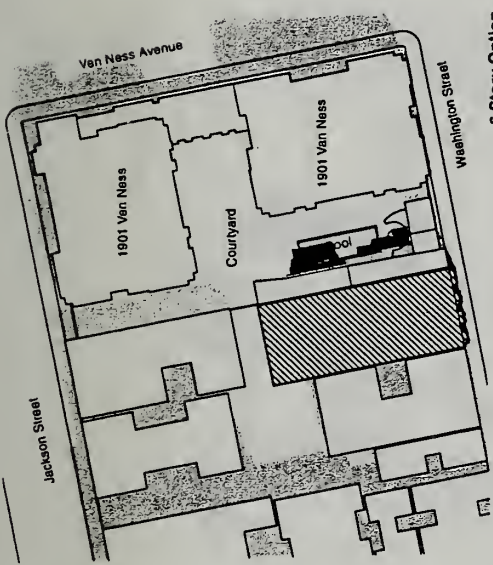


Figure 1  
 Shadow Diagrams - September 21 2:00pm PDT  
 1840 Washington Street  
 San Francisco, California

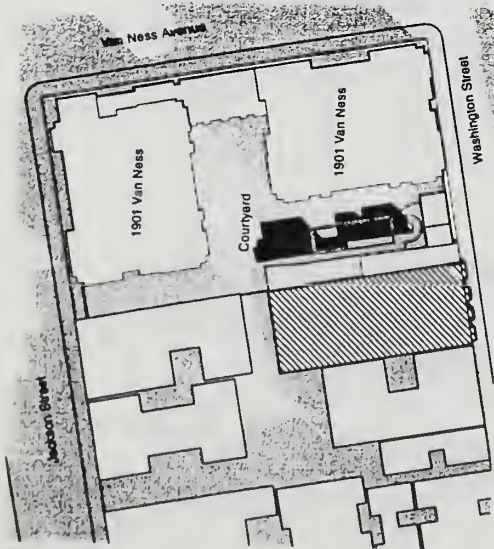


Mitigated Project - 6/7 Story  
(Refer to Figure 6 for Massing Diagram)

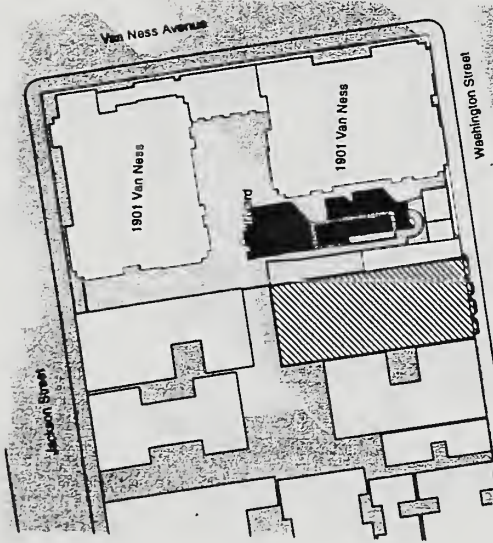


- 1840 Washington Building
- Existing Shadow
- New Project Shadow

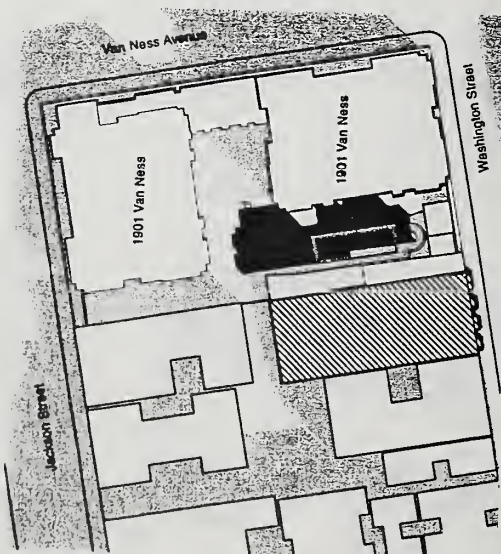
**Figure 2**  
**Shadow Diagrams - June 21 3:00pm PDT**  
 1840 Washington Street  
 San Francisco, California



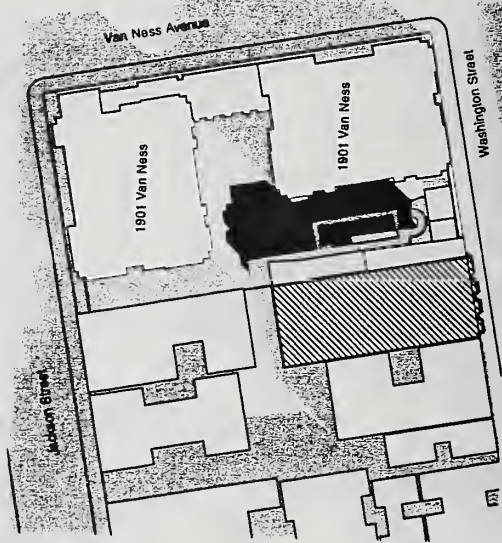
5 Story Option



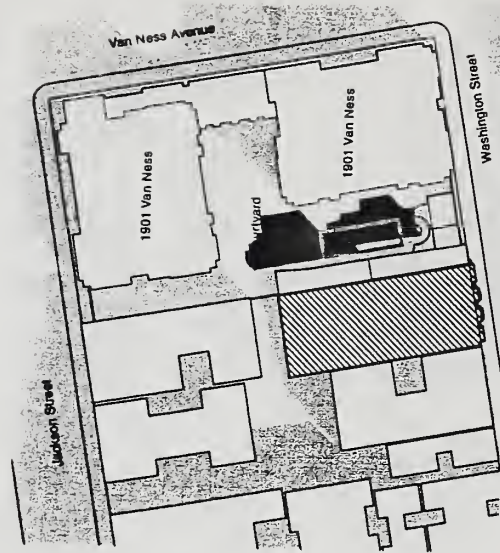
6 Story Option



7 Story Option



Proposed Project - 8 Story



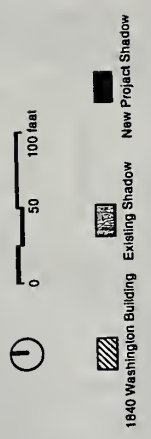
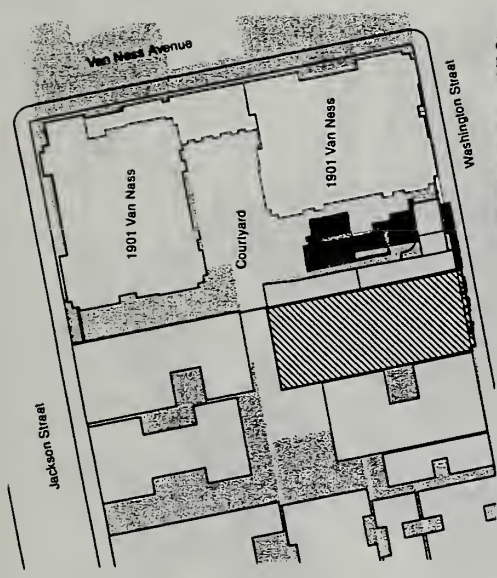
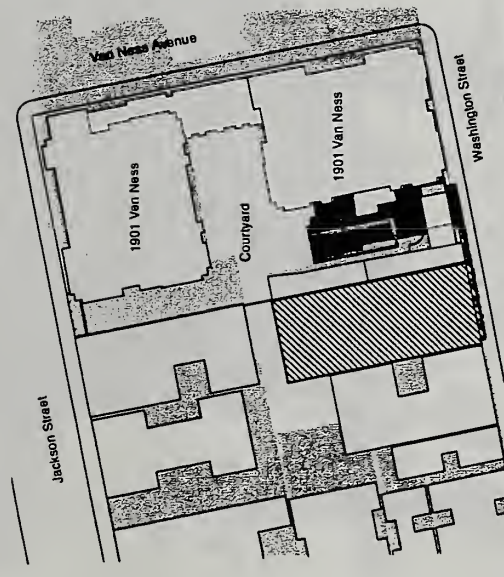
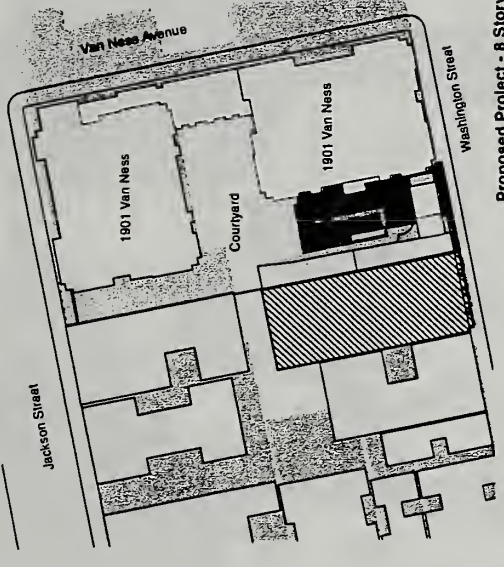
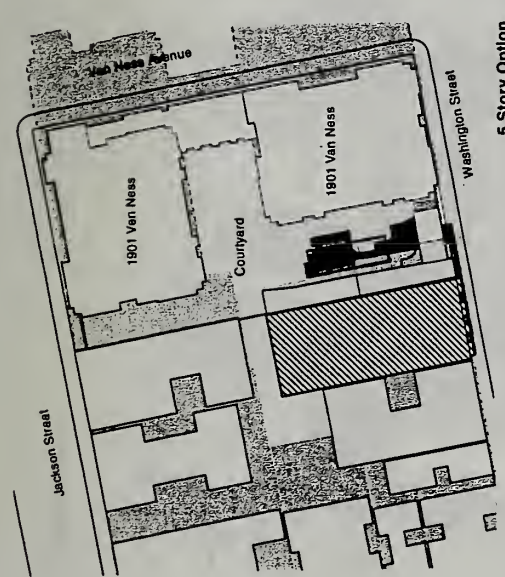
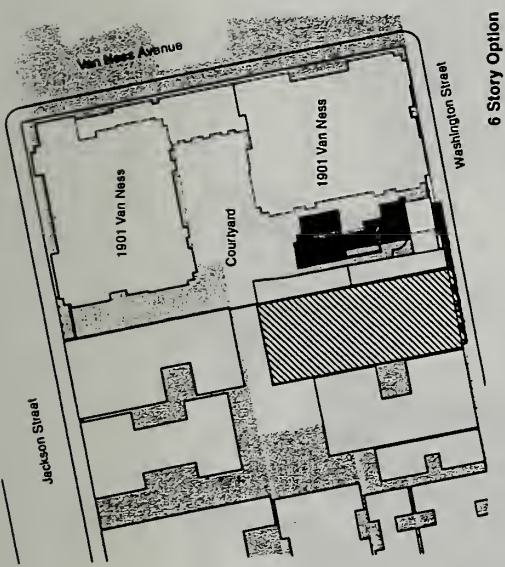
Mitigated Project - 6/7 Story  
(Refer to Figure 6 for Missing Diagram)

Legend:  
 1840 Washington Building - Existing Shadow (hatched pattern)  
 Existing Shadow (solid black)  
 New Project Shadow (solid black)

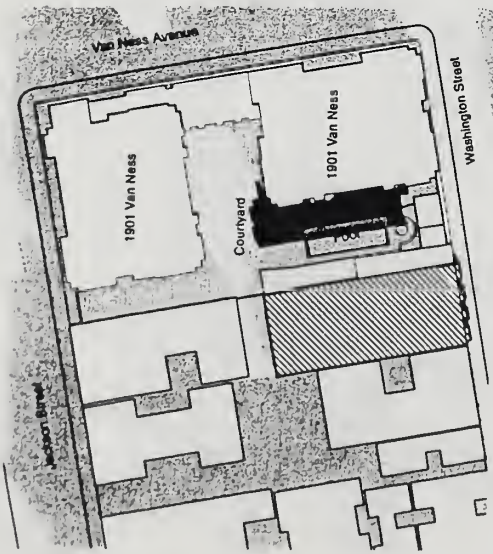
Scale: 0, 50, 100 feet

North arrow symbol: a circle with a vertical line through it.

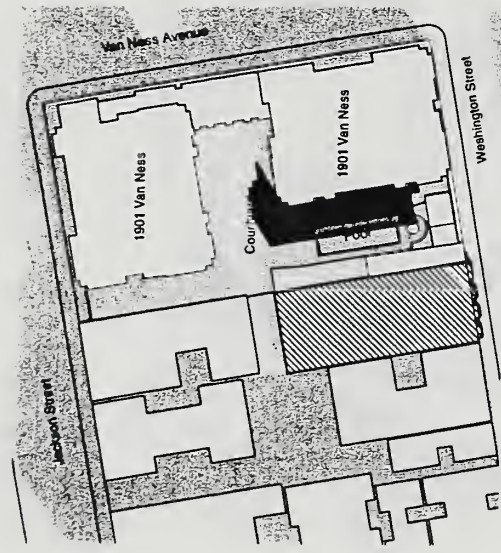
Figure 3  
 Shadow Diagrams - September 21 3:00pm PDT  
 1840 Washington Street  
 San Francisco, California



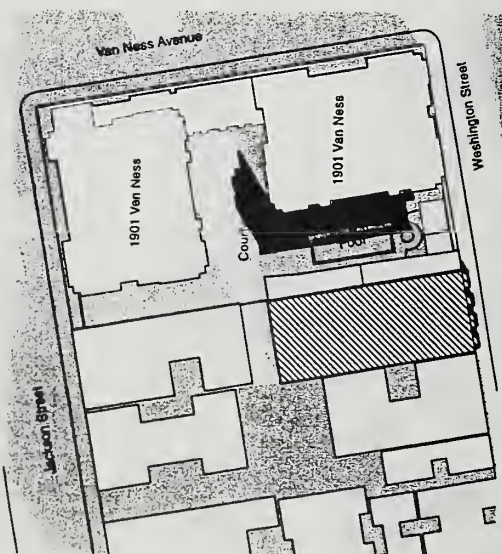
**Figure 4**  
**Shadow Diagrams - June 21 4:00pm PDT**  
 1840 Washington Street  
 San Francisco, California



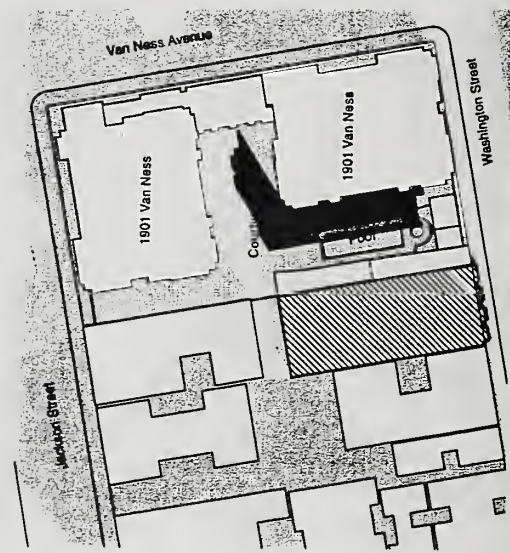
5 Story Option



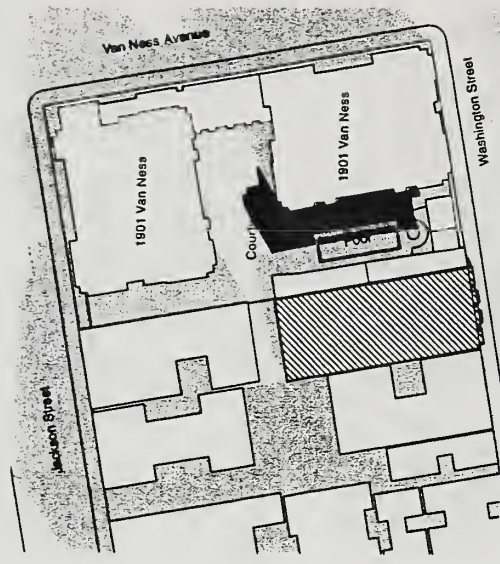
6 Story Option



7 Story Option



Proposed Project - 8 Story

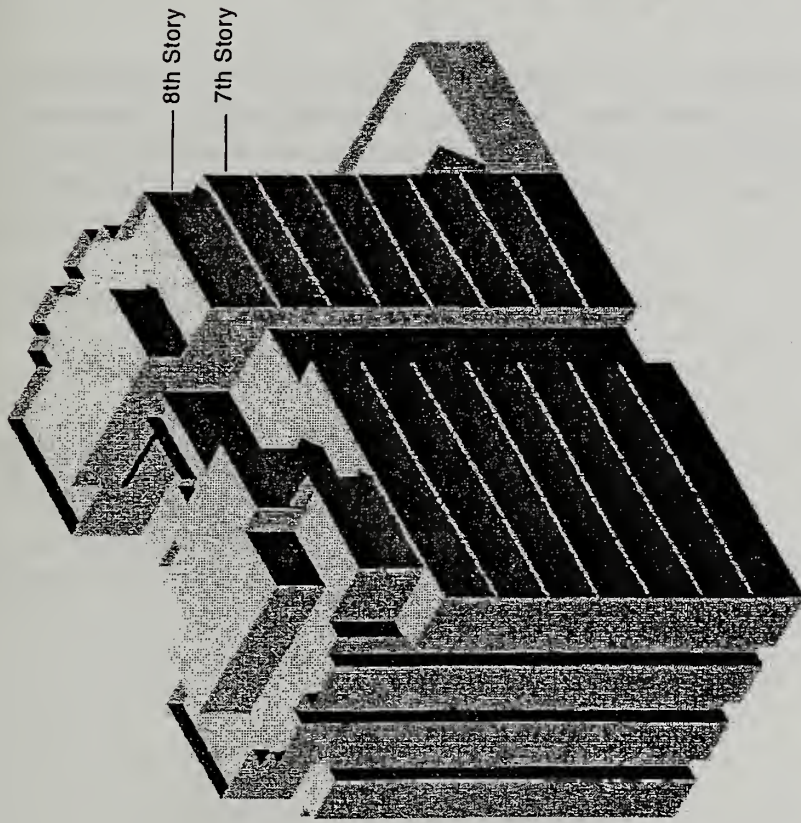


Mitigated Project - 6/7 Story  
(Refer to Figure 6 for Missing Diagram)

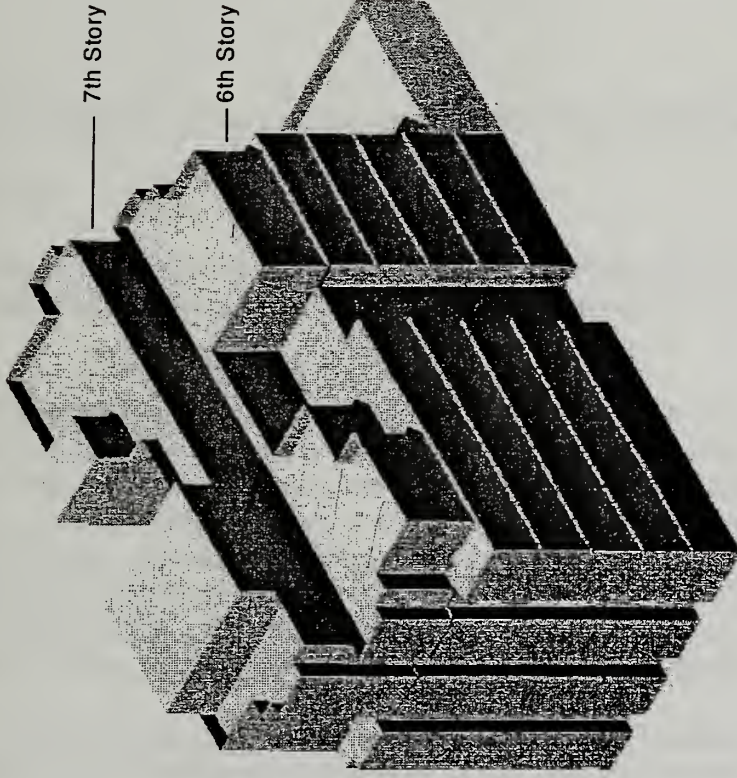
Legend and scale:

- 1640 Washington Building
- Existing Shadow
- 1901 Van Ness
- Existing Shadow
- New Project Shadow
- 0 50 100 feet

Figure 5  
Shadow Diagrams - September 21 4:00pm PDT  
1840 Washington Street  
San Francisco, California



Proposed Building Massing



Mitigated Building Massing

**Building Massing Diagrams**  
1840 Washington Street  
San Francisco, California

Ma

Re

De

As

St

cu

Th

st

se

Pl

be

af

Pl

pr

A

la

ou

L:

ur

li

su

w

f

S

.

A

N

M

I



March 11, 2005

Re: Case file # 2004.02202E (Proposed development of 1840 Washington St.)

Dear Nannie Turrell,

As a local resident directly affected by the proposed development at 1840 Washington Street, I wanted to let you know that I strongly oppose the planned development in its current form.

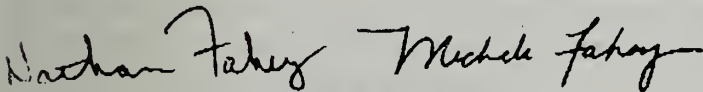
There are many concerns I have if this development were to be built. First of all, shadow studies conducted by the developer show that an eight-story, 80-foot-high complex would severely limit the amount of sun exposure our Pacific Place courtyard area receives. The Planning Commission originally approved the development of Pacific Place itself partly because of the open space amenities provided. The proposed development will adversely affect the use of Pacific Place's open space and is therefore inconsistent with the General Plan Policies for the protection of open space and Planning Code section 101.1 that prohibits development that compromises access of sunlight to open spaces.

Additionally, it is very concerning that during construction of the building the left hand lane of Washington St. will be frequently blocked as this will restrict our ability to exit our building.

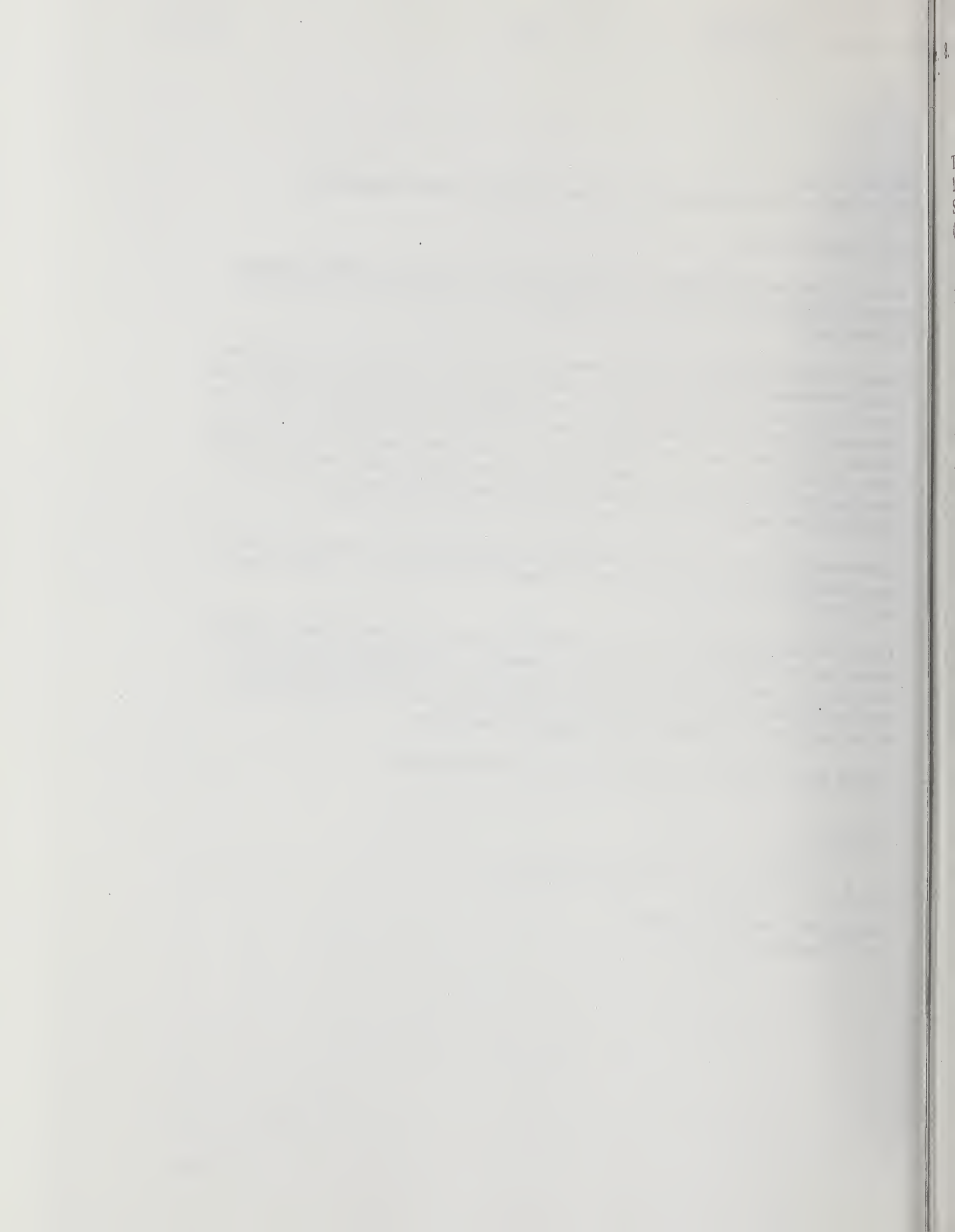
Living on the base floor of 1800 Washington St. adjacent to the courtyard area, we fully understand the importance of sunlight in our courtyard. As it stands, our home receives limited sun exposure throughout the day and often we look forward to enjoying the sunshine at the pool and courtyard area. This development, as it is currently proposed, would significantly reduce our ability to enjoy our open space.

I thank you in advance for taking our concerns into consideration.

Sincerely,



Nathan Fahey and Michele Fahey  
1800 Washington St. Unit 119



Thomas Berg  
1800 Washington St. #818  
San Francisco, CA 94109  
(415) 297-2967

Nannie Turrell  
San Francisco Planning Department  
1660 Mission St., Suite 500  
San Francisco, CA 94103

Ms. Turrell,

There is a material error within the environmental review report published on February 19, 2005 by the Planning Department on project 2004.0220E – 1840 Washington St. It states in the last paragraph on page 13 that “Three units in the top floor of the south tower of Pacific Place would have their view of Lafayette Park blocked. Existing views show the full height of the trees in the park.” This is factually incorrect as I live on the 8th floor in unit 818 and I have a full view of all of the trees in Lafayette Park (which I can verify with digital photos or in person with the planning department in my condo #818). With that said, the 8th floor in addition to the 9th floor will have its view impacted. I also think it is quite possible that the 7<sup>th</sup> floor will have its view impacted as well, I believe the planning department should verify this. I strongly believe the Planning Department should perform a study on the views that would be impacted by this development (not only of those in Pacific Place, but in the surrounding buildings as well).

On page 22 the 1<sup>st</sup> paragraph states the “the peak usage for the pool/patio area are from 11:00 am to 2:00 pm”. This is factually incorrect. The peak hours are from 11:00 am to 4:00 pm. I can verify this as my unit over looks the pool and I have lived in the building for over 2 years and frequently use the pool. Jenny Hau is not a reliable source of information as she has worked at Pacific Place for less than 4 or 5 months and is unfamiliar with the property. Additionally she is not at the building on the weekends when the pool receives its heaviest use. Thus, the shadow effect would have a great impact on common open space usage.

I would also like to voice strong concern over the shadow effect will have on Pacific Place and the surrounding properties. If the building height were reduced by several floors I strongly believe that opposition to this project would be greatly reduced as the shadow and view effect on the surrounding units and pacific place pool would be somewhat mitigated.

I am also quite concerned that any construction at 1840 Washington would impair the ability of traffic to exit from the Pacific Place garage as the exit sits right next to the proposed construction sight. I find it hard to believe that traffic would not be obstructed from the garage.

I think from a neighborhood perspective (Pacific Place residents and those of other buildings) are strongly against the size of the proposed building. Most generally agree that the property should be developed, but the size and height of the property demonstrates the developer's greed. A building with a height of 5 or six stories would be much more reasonable to the surrounding community.

Please feel free to contact me if you should have any questions or comments.

Thanks,  
Tom Berg

1701 Jackson St. #205  
San Francisco, CA 94109-2997  
(415) 931-7027

RECEIVED  
MAR 09 2005  
PLANNING DEPT

March 6, 2005

Nannie Turrell  
Major Environmental Analysis Section  
Planning Department, City and County of San Francisco  
1660 Mission St., Suite 500  
San Francisco, CA 94103-2414

Re: Case file 2004.0220E  
Preliminary Mitigated Negative Declaration  
Proposed project: 1840 Washington Street

Dear Ms. Turrell:

I believe that the Preliminary Mitigated Negative Declaration for the proposed development at 1840 Washington St. needs to be amended and expanded to take into consideration the following problems:

1. The development as proposed shadows the courtyard and pool area of Pacific Place, the condominium development at 1800 Washington St. and 1701 Jackson St. where I live. It negates an important Finding made during the approval process for Pacific Place, which was that the courtyard provided open space and natural light for the common area and the surrounding Pacific Place residences, in conformance with city planning policies.

The San Francisco General Plan provides for the protection of open space. The Planning Code prohibits development that compromises access of sunlight to open spaces (section 101.1) and defines open space in terms of private property setbacks and courtyards (section 102.19) as well as public spaces. In addition, the Van Ness Corridor sub area plan calls for proposed developments to provide sun exposure to private and common open space areas (Policy 7.2).

The developer's own shadow study reveals that the proposed building would substantially increase the amount of shadow on the courtyard and pool area, especially in September, which is summertime in San Francisco. On September 21 at 2 p.m. the increase would be 18% (bringing to 40% the total amount of shading), at 3 p.m., 40% (total 63%), and at 4 p.m., 35% (total 74%).

The statement that peak usage hours for the pool and patio area are 11 a.m. to 2 p.m. is based on hearsay, and the fact that the pool is currently closed in December, January and February irrelevant. A warm and sunny day can occur at any time of year in San Francisco; the courtyard is used whenever the weather is nice. All of the Pacific Place community's social events take place in the courtyard.

The study states "the increase in shadow during any time of the year may be considered an inconvenience by the residents of the 1800 Washington Street building." The increased shadowing on our landscaped courtyard would be much more than an inconvenience to the residents of Pacific Place in both the Washington St. and Jackson St. buildings; it would negatively impact our enjoyment of our primary community space.

2. The development as proposed would jut above the buildings on either side and change the visual character of the street, where currently the tops of the buildings generally follow the slope of Washington St. The study does not include any elevations or renderings that illustrate the visual impact of the building on the neighborhood.

3. The study states that the proposed development would provide 35 off-street parking spaces. However, according to the basement and ground level floor plans included in the study, there are 19 full sized, 14 compact, 1 van and 1 handicapped spaces. Because there is a strong possibility that the residents' vehicles will not conform to the floor plans, the plans should be revised to show how many full sized spaces are accommodated.

4. The construction mitigation measures included in the study are vague and inadequate. A construction management plan that details how materials storage, parking and road blockage problems will be handled should be provided. The sentence "The construction schedule would be approximately 7:30 p.m. to 4:30 p.m. weekdays" should be corrected to "7:30 a.m.," and construction should not be permitted on holidays as well as on weekends.

The study states that the left (northernmost) lane of Washington St. in the project block may have frequent closures. The mitigation measures should ensure that Pacific Place residents are not restricted from exiting our building at any time, and that assistance is provided when sight lines are blocked by construction-related vehicles or materials.

Also, the developer should be responsible for removing all construction-related debris from Pacific Place property, and for cleaning of windows and exterior walls as needed.

5. The effect of the proposed development on the air quality of 1860 Washington St. should be addressed rather than dismissed as a problem for 1860 Washington St. to handle. The study states that "Each building must provide for its own light, ventilation, structure and other code conditions." Certainly if a new development affects an existing building's light, ventilation or structural stability, the impact of the new development should be analyzed and mitigated to the extent possible.

Thank you for taking these points into consideration.

Sincerely,



Judy Gerstle

March 9, 2005

Nannie Turrell  
SF Planning Department  
1660 Mission Street  
Suite 500  
SF, CA 94103

RECEIVED  
MAR 09 2005  
PLANNING DEPT

Fax; 415-558-5991

Dear Ms. Turrell:

Case file; 2004.022202E  
Proposed Development of 1840 Washington

I am a homeowner at Pacific Place, 1701 Jackson Street, #502, SF, CA 94109 and oppose the height of the proposed construction and have other points I'd like to make.

I oppose the planned development in its current form.

- Shadows on pool area reducing the value of my overall property- reduce height by two floors.
- Our open space amenities are severely affected and I bought this condo based on these amenities. How can SF Planning just take away my enjoyment of the property for which I pay thousands of dollars in taxes to this crazy city??????
- Traffic will be affected on Washington - I disagree that it won't. Dirt, construction, trucks and later all these extra residents. We're too high density now. What will be required of this developer?
- Construction trucks etc. should never at any time block our ability to drive out of our garage on Washington. Please make this a requirement.
- No construction on weekends or holidays please should be required.
- Developer of this project should be totally financially responsible for all removal of debris and clean up on our property from this construction. Also, clean windows the spa and our landscaping. Please make this a requirement.

Sincerely,

Christine Blomley  
1701 Jackson #502  
SF, CA 94109

M

M

S

S

S

S

D

I

t

I

S

r

i

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F

F



March 9, 2005

Ms. Nannie Turrell  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Subject: Case File Number: 2004.02202E  
Proposed Development of 1840 Washington Street

Dear Ms. Turrell:

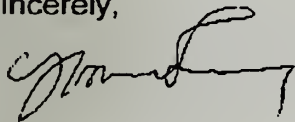
I am writing as a neighbor directly affected by the above-proposed development to oppose the planned development in its current form.

I am especially concerned that the new building at 1840 Washington will substantially decrease the sun exposure available to Pacific Place's common recreational area. I am elderly and depend on what little sunshine we can enjoy in San Francisco. The proposed development will adversely affect the use of Pacific Place's open space and is therefore not consistent with the General Plan Policies for the protection of open space and Planning Code section 101.1 that prohibits development that compromises access of sunlight to open spaces.

A few years ago, the Planning Commission approved the development of Pacific Place partly because of the open space amenities provided. I sincerely request that the Commission not compromise those amenities by approving a project that will adversely affect them.

I strongly and sincerely request that you reduce the height of the proposed building so that our courtyard in Pacific Place is not negatively impacted.

Sincerely,



Yvonne Leong  
1701 Jackson Street, #605  
San Francisco, CA 94109

Ich  
17  
Un  
Se  
  
T  
C  
F  
E  
  
A  
S  
1  
S  
S  
F  
  
R  
L  
  
I  
V  
S

John R. Reizner  
1701 Jackson Street  
Unit 302  
San Francisco, CA 94109

March 9, 2005

Tel: 415-885-3121  
Cell: 415-420-3972  
Fax: 415-440-0254  
Email: [jreizner@msn.com](mailto:jreizner@msn.com)

Attn: Nancy Turrell  
San Francisco Planning Dept.  
1660 Mission Street  
Suite 500  
San Francisco, CA 94103  
Fax: 415-558-5991

Re: Case File number: 2004.02202E; Proposed Development of 1840 Washington Street

Dear Ms. Turrell:

I am a resident of Pacific Place located at 1701 Jackson Street and 1800 Washington Street. Our Washington Street tower is directly adjacent to the proposed development site of an eight story 80 feet high condo complex on the former Teevan Building site referenced above.

I am supporting a reduction of the height of the proposed development for the following reasons:

- ◆ I believe that the Preliminary Mitigated Negative Declaration published by the city on February 19 does not adequately take into account certain provisions of the San Francisco Planning Code, including the General Plan and the Van Ness Corridor sub area plan. I request that the document be amended.
- ◆ There are numerous provisions in the Planning Code that protect the city's public and private open spaces and their access to sunlight. These include Planning Code section 206 and Van Ness Corridor sub area plan policies 5.4, 5.5, 6.3, 7.2, and 7.3.
- ◆ The proposed development will adversely affect the use of Pacific Place's open space and is therefore inconsistent with the General Plan Policies for the protection of open space and Planning Code section 101.1 that prohibits development that compromises access of sunlight to open spaces.
- ◆ The Planning Commission originally approved the development of Pacific Place itself

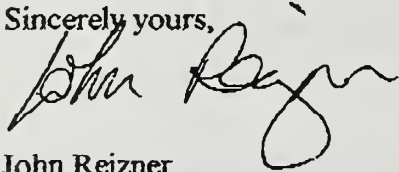
partly because of the open space amenities provided. I request that the Commission not compromise these amenities by approving a height for the project that will adversely affect them.

I also request a construction management plan that outlines how the developer proposes to store materials, avoid road blockage, park vehicles related to the project, and not interfere with vehicles exiting from the Pacific Place parking garage exit on Washington Street.

I suggest a further condition of approval: that the developer be responsible for removal of all debris from Pacific Place resulting from the construction. This would be including but not limited to: debris in the courtyard, swimming pool, spa and all landscaped areas, quarterly cleaning of all windows and exterior walls.

I appreciate your consideration of the opinions expressed in this letter, and hope that together with the expressed opinions of many of my neighbors, we will be able to achieve a reduction in the height of the proposed 1840 Washington Street development.

Sincerely yours,



John Reizner

800 Washington Street, #211  
San Francisco, CA 94109  
March 9, 2005

Ms. Nannie Turrell  
San Francisco Planning Department  
660 Mission Street, Suite 500  
San Francisco, CA 94103

Fax#: 415/558-5991

Re: **Proposed Development of 1840 Washington Street  
Case File #2004.02202E**

Dear Ms. Turrell:

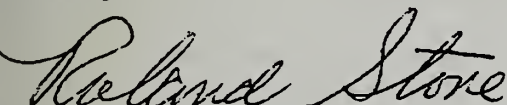
As a Homeowner and Resident at Pacific Place, 1800 Washington Street building, I wish to strongly oppose the development at 1840 Washington Street as it is currently proposed. The Developer is asking for a variance from a 40-foot limitation to an 80-foot total. This is completely out of scale with all the buildings to the west on both sides of Washington Street, none of which exceed 5 stories. However, my primary objection is the negative impact this massive 8-story structure will have on our Pacific Place common open space and recreational areas.

It is my understanding that the Planning Commission originally approved of Pacific Place partly because of the open-space amenities to be provided. That this proposed project will adversely affect us has been shown by Shadow Studies conducted by both the Developer and our HOA; this building will substantially decrease sun exposure in our common areas. There are numerous provisions in the Planning Code that protect The City's public *AND PRIVATE* open spaces and their access to sunlight, and I believe the Planning Commission should examine these closely, particularly Planning Code Section 101.1 that prohibits developments which compromise access of sunlight to open spaces. Further, I believe a building of this height will also create a substantial "wind-tunnel" effect in our courtyard.

The "Preliminary Mitigated Negative Declaration" published by The City on February 19th does not properly take into account many provisions of the San Francisco Planning Code, including the General Plan and the Van Ness Corridor Sub-Area Plan, so I would hope that this document is amended. In addition, as stated in the document, it is not believable that the project will not affect sight lines for vehicles exiting our garage on Washington Street nor cause us any egress problems during construction. All these issues **MUST** be addressed.

Thank you for your attention to these serious concerns.

Sincerely,



Roland Stone



March 9, 2005

Nannie Turrell  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

RECEIVED  
MAR 14 2005  
PLANNING DEPT

Case File #2004.02202E,

RE: Proposed development of 1840 Washington Street

Dear Nannie Turrell,

As a resident of 1800 Washington I will be directly affected by the proposed development of an eight-story, 80-foot-high building at 1840 Washington. I'm opposing the planned development in its current form. I believe that the Preliminary Mitigated Negative Declaration published by the city on February 19 does not adequately take into account certain provisions of the San Francisco Planning Code, including the General Plan and the Van Ness Corridor sub area plan. I would like to request that the document be amended.

There are numerous provisions in the Planning Code(section 206) and Van Ness Corridor sub area plan (policies 5.4, 5.5, 6.3, 7.2 and 7.3) that protect the city's public and private open spaces and their access to sunlight. Shadow studies conducted by the developer indicated that the new building at 1840 Washington under its current form will substantially decrease the sun exposure available to Pacific Place's common recreation area. The proposed development will adversely affect the use the Pacific Places open space. Planning Code section 101.1 prohibits development that compromised access of sunlight to open spaces. The Planning Commission originally approved the development of Pacific Place itself partly because of the open space amenities provided. Please don't compromise those amenities by approving a project that will adversely affect them. According to the shadow study done by Pacific Place, the swimming pool(common recreation area) will be completely shaded by 2pm in September (San Francisco's 'summertime') and 78% of the courtyard will be covered in shade by 3 pm if the development is approved in its current form. My wife and I love spending time in the common area and often can only enjoy it when there is sunlight, otherwise its too cold. We recently had a baby boy and I want to share that common space with him in the sunlight, not in the shade. A two or three story reduction in the height of the proposed building would significantly reduce the shadow impact.

After reviewing the Preliminary Mitigated Negative Declaration, I had the following questions and comments:

- 1) Page 10 says that one of the proposed units does not meet the dwelling unit exposure requirement, can you please explain this?
- 2) Page 10, says that the proposed project would require conditional use authorization for new construction exceeding 40 feet in height in the Van Ness Special Use District. Can you please explain why the planning department consider would allowing such a variance?
- 3) Page 17, I disagree with the statement that the project will not exacerbate exiting problems with the sight distance of vehicles existing the 1800 garage. I often have trouble pulling out of the garage because of traffic or parked cars. Please explain how this project will not exacerbate exiting problems?
- 4) Page 19, the declaration states that the left-hand lane of Washington will be frequently blocked during construction. This will restrict our ability to exit the garage. I request that a condition of the approval of the project that Pacific Place residents will never be restricted from existing our site at any time. I would also like to request a construction management plan that outlines how the developer proposes to store materials, avoid road blockages, park vehicles related to the project, ect.
- 5) Page 20, I would like to request that construction not be permitted on weekends or holidays.
- 6) I would also like to suggest another condition of approval: that the developer be responsible for removal of all debris from Pacific Place resulting from the construction. Including, but not limited to: debris in the courtyard, swimming pool, spa and all landscaped areas; quarterly cleaning of all windows and exterior walls.

Thank you for your time.

Sincerely,

*Scott Freeborn Anita Freeborn*

Scott and Anita Freeborn and their new baby Aidan

1800 Washington #312  
San Francisco, CA 94109



3-10-05.

To: Nannie Turrell,  
My name is Do Lee, I live in 1800 Washington  
St. #617. I got this letter Pacific Place committee.  
I really agree with what they said.  
Please consider our request. Thanks. Do Lee

Please send or fax your letters to: Nannie Turrell, San Francisco Planning Department,  
1660 Mission Street, Suite 500, San Francisco, CA 94103. Fax: 415 558 5991

Case file number: 2004.02202E

Re: Proposed development of 1840 Washington Street

RECEIVED

MAR 14 2005

PLANNING DEPT

Key points to raise:

- As a local resident directly affected by the development, you oppose the planned development in its current form.
- You believe that the Preliminary Mitigated Negative Declaration published by the city on February 19 does not adequately take into account certain provisions of the San Francisco Planning Code, including the General Plan and the Van Ness Corridor sub area plan. You request that the document be amended.
- There are numerous provisions in the Planning Code that protect the city's public and private open spaces and their access to sunlight. These include:
  - Planning Code section 206
  - Van Ness Corridor sub area plan policies 5.4, 5.5, 6.3, 7.2, 7.3
- Shadow studies conducted by the developer indicate that the new building at 1840 Washington Street will substantially decrease the sun exposure available to Pacific Place's common recreational area.
- The proposed development will adversely affect the use of Pacific Place's open space and is therefore inconsistent with the General Plan Policies for the protection of open space and Planning Code section 101.1 that prohibits development that compromises access of sunlight to open spaces.
- The Planning Commission originally approved the development of Pacific Place itself partly because of the open space amenities provided. You request that the Commission not compromise those amenities by approving a project that will adversely affect them.

Additional points:

- Page 10 of the Preliminary Mitigated Negative Declaration says that one of the proposed units does not meet the dwelling unit exposure requirement. Request that this be explained.
- Page 17. You disagree with the statement that the project will not exacerbate existing problems with sight distance of vehicles exiting the 1800 Washington Street garage. Request that this statement be explained.
- Page 19. The Declaration states that the left-hand lane of Washington Street will be frequently blocked during construction. This will restrict our ability to exit the garage. Request that it must be a condition of the approval of the project that Pacific Place residents never be restricted from exiting our site at any time.
- Request a construction management plan that outlines how the developer proposes to store materials, avoid road blockage, park vehicles related to the project, etc.
- Page 20. Request that construction not be permitted on weekends or holidays.
- Suggest another condition of approval: that the developer be responsible for removal of all debris from Pacific Place resulting from the construction. Including, but not limited to: debris in the courtyard, swimming pool, spa and all landscaped areas; quarterly cleaning of all windows and exterior walls.



March 10, 2005

San Francisco Planning Department  
Attn: Nannie Turrell  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Re: Case File 2004.02202E- Proposed Development of 1840 Washington Street

Dear Nannie,

I am writing in opposition of the planned eight story building development at 1840 Washington Street. I am a homeowner and resident at the Pacific Place Condominium complex located at 1701 Jackson St and 1800 Washington St. As a local resident directly impacted by this project, I oppose the planned development in its current form. I read the Preliminary Mitigated Negative Declaration and believe that the declaration does not adequately take into account certain provisions of the Planning Code, including the General Plan and the Van Ness Corridor sub area plan so I ask that the declaration be amended to incorporate these provisions.

The proposed project will adversely affect the use of Pacific Place's open spaces which I believe is inconsistent with the General Plan policies for the protection of open space and Planning Code section 10.1 that prohibits development that compromises access of sunlight to open spaces. Shadow studies conducted by the developer indicate that the new building at 1840 Washington Street will substantially decrease the sun exposure available to Pacific Place's common recreational area. The Planning Commission originally approved the development of Pacific Place itself partly because of the open space amenities provided so I am requesting that the Commission not compromise these amenities by approving a project that adversely impacts these amenities.

From the Preliminary Mitigated Negative Declaration document, I would appreciate a response to the following:

- Page 10 - There is a comment stating that one of the proposed units does not meet the dwelling unit exposure requirement. What does this mean and what corrective actions will be taken?
- Page 17 - There is a statement that the project will not exacerbate existing problems with sight distance of vehicles exiting the 1800 Washington Street garage. Why do you think that closing a lane, storing construction materials, or parking construction vehicles around the construction site won't exacerbate the sight distance problem? I disagree with the statement and would like additional clarification as to how the developer will manage this issue.
- Page 19 - The Declaration states that the left-hand lane of Washington Street will be frequently blocked during construction. I believe that this will exacerbate the sight distance of vehicles exiting the 1800 Washington Street garage and that Pacific Place residents will be inconvenienced by this blockage. What steps will be taken to ensure that Pacific Place residents are not inconvenienced by the project? Is there a construction management plan available that will explain how materials will be stored, how road blockages will be avoided, etc.
- Page 20 - Construction should not be allowed on weekends or holidays.

I have quality of life concerns about the adverse impact that the project will have on Pacific Place. I believe that Commission approval should be contingent on the developer providing assurances that:

- Any debris that falls onto Pacific Place courtyard and pool areas be removed immediately with the surrounding areas restored to their pre-existing condition,
- Any damage to Pacific Place property or landscape areas be repaired immediately and restored to their pre-existing condition,
- Pacific Place is reimbursed for incremental cleaning, chemical requirements, & maintenance costs incurred for the pool & spa amenities during the demolition & construction phases,
- Pacific Place is reimbursed for any incremental window or exterior wall cleaning costs during the demolition and construction phases.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or need clarification on any of my comments. I can be reached during the day via email at [H\\_Lee04@yahoo.com](mailto:H_Lee04@yahoo.com), at work (408) 496-7887, or via my cell phone (408) 887-5040.

Kind Regards,

  
Henry Lee

1701 Jackson St., #609



San Francisco Planning Department  
1600 Mission Street, Suite 500,  
San Francisco, CA 94103

March 10, 2005

Re: Proposed development of 1840 Washington Street (Case # 2004.02202E)

Dear Ms. Nannine Turrel,

I am writing this letter in reference to Proposed development of 1840 Washington Street. I live at adjacent property at 1800 Washington Street.

I was informed of Shadow study conducted on our property and raised several concerns over our open space amenities such as length and coverage of sun light.

Another issue that concerns me is that construction permit must be limited to weekdays, other wise, there will be no peaceful time to relax and enjoy the life at the Pacific Place that provides.

Therefore, I would like to oppose the proposal to be approved as it was submitted.

Above mentioned conditions should be taking into considerations as well as any other measures to minimize negative effects that will implicate our private open space that is an integral part of living at the Pacific Place.

Property Owner and Resident;

Tsutomu Matano  
1800 Washington St. # 714  
San Francisco, CA 94109

I remain,



Tsutomu Matano



Mason Turner-Tree, MD

1701 Jackson Street  
Unit 409

San Francisco, CA 94109

[mace@ziapela.com](mailto:mace@ziapela.com)

415-567-4112

RECEIVED  
MAR 14 2005  
PLANNING DEPT

---

Nannie Turrell  
San Francisco Planning Department  
1660 Mission Street  
Suite 500  
San Francisco, CA 94103

Re: Proposed development of 1840 Washington Street  
Case file number: 2004.02202E

8 March 2005

Dear Ms. Turrell:

I currently reside at Pacific Place Condominiums, which comprises two towers at 1800 Washington Street and 1701 Jackson Street. Over the past several months, our Board of Directors has informed us of a proposed development at 1840 Washington Street that will dramatically affect the quality of life within our community by restricting sunlight into our courtyard and pool area that lies between the two towers.

Because this is one of the very unique attributes our community has, and because it contributes significantly to the beauty and serenity of our community, I am writing to voice my very strong opposition to this development as currently proposed. There are very simple modifications to this project that could significantly limit the adverse affects of this development on our community, but the proposed developers at 1840 Washington Street have refused to consider these. Our Board of Directors has decided not to pursue their opposition formally at this time, but as a resident and homeowner in this community, I am obliged to stress to you the following points:

- The Preliminary Mitigated Negative Declaration published by the city on February 19 does not adequately take into account certain provisions of the San Francisco Planning Code, including the General Plan and the Van Ness Corridor sub area plan. Please consider amending this document to account for those provisions.
- There are numerous provisions in the Planning Code that protect the city's public and private open spaces and their access to sunlight. These include:
  - Planning Code section 206
  - Van Ness Corridor sub area plan policies 5.4, 5.5, 6.3, 7.2, 7.3

- Shadow studies conducted by the developer indicate that the new building at 1840 Washington Street will substantially decrease the sun exposure available to Pacific Place's common recreational area.
- The proposed development will adversely affect the use of Pacific Place's open space and is therefore inconsistent with the General Plan Policies for the protection of open space and Planning Code section 101.1 that prohibits development that compromises access of sunlight to open spaces.
- The Planning Commission originally approved the development of Pacific Place itself partly because of the open space amenities provided. The Commission should not compromise those amenities by approving a project that will adversely affect them.
- Page 10 of the Preliminary Mitigated Negative Declaration says that one of the proposed units does not meet the dwelling unit exposure requirement. This should be fully explained.
- I disagree with the statement on Page 17 that the project will not exacerbate existing problems with sight distance of vehicles exiting the 1800 Washington Street garage. This statement should also be explained as this is already a tremendous problem.
- On page 19, the Declaration states that the left-hand lane of Washington Street will be frequently blocked during construction. This will restrict our ability to exit the garage. It must be a condition of the approval of the project that Pacific Place residents never be restricted from exiting our site at any time.
- I would also like to request a construction management plan that outlines the details of how the developer proposes to store materials, avoid road blockage, park vehicles related to the project, etc.
- I would also like to request that construction not be permitted on weekends or holidays.
- Another condition of approval should be that the developer be responsible for removal of all debris from Pacific Place resulting from the construction. This includes, but is not limited to: debris in the courtyard, swimming pool, spa and all landscaped areas. There should also be quarterly cleaning of all windows and exterior walls.

According to our surveys, fully 80% of the residents of Pacific Place disapprove of this project as it is proposed. I respectfully submit these objections to the proposed project and implore you and the Planning Commission to reject this proposal as it is currently written.

Sincerely,



Mason Spain Turner-Tree, MD



March 9, 2005

Ms. Nannie Turrell & Mr. Paul Maltzer  
San Francisco Planning Department  
30 Van Ness Avenue  
San Francisco, CA  
fax # 415/558-5991

RE: Environmental Review Document (Preliminary Negative Declaration)  
Proposed Project: 1840 Washington Street  
Case File 2004.0220E

Dear Ms. Turrell & Mr. Maltzer:

As a homeowner and resident at Pacific Place, 1800 Washington Street, I would like to comment on the Preliminary Negative Declaration prepared for the 1840 Washington Street residential development. Pursuant to the California Environmental Quality Act (CEQA), the environmental document must discuss the effects of the proposed development on the surrounding area and compliance with the City's General Plan, Van Ness Corridor Sub-area Plan, and City's Zoning Code. Having reviewed the document, I find a number of inadequacies and inaccuracies based on provisions of the City's General Plan, Van Ness Corridor Sub-area Plan, and City's Zoning Code, and strongly encourage the Planning Department to revise the document based on the following.

Open Space Protection:

- *The San Francisco General Plan sets the goal of improving "the city as a place for living, by aiding in making it more healthful, safe, pleasant, and satisfying, with housing representing good standards for all residents and by providing adequate open spaces and appropriate community facilities". In furtherance of that goal, the General Plan establishes the priority "That our parks and open space and their access to sunlight and vistas be protected from development."*

Pacific Place, 1800 Washington Street and 1901 Jackson Street, was developed with a courtyard, spa, pool and open space area (the development's "common open space area") for its residents. Based on the sun and shadow study provided by the developer, and one commissioned by the Pacific Place Homeowner's Association which studied the general accuracy of the developer's study and analyzes the potential shadow effects associated with alternative building height scenarios, the proposed project *will adversely affect use of our open space*. An eight-story building will have the most extensive shadow impacts on the courtyard area. At 3:00pm, shadows increase by as much as 40% during September, one of the most pleasant months of the year to enjoy the swimming pool, lawn and courtyard. By comparison, a six-story building at this time would result in a 28% shadow increase. At 4:00pm on September 21<sup>st</sup> shadows cast by the eight-story building would increase by 34% whereas at the same time the six-story building results in a 25% increase. At 2pm, the eight-story building would increase the amount of shadow on the pool/courtyard area by 20% whereas a six-story building would increase shade by 10% and a four-story building would cast virtually no new shadow.

At 2pm during September, the eight-story building would shade virtually the entire swimming pool while a six-story building would shade only about half the pool area. Similarly, about half the pool would be shaded by a six-story building at 3pm in June whereas an eight-story building would cast shadow on almost the entire swimming pool area.

The **Van Ness Corridor Sub-Area Plan** contains several policies that recognize the importance of protecting the availability of sun and light to open space:

- *Planning Code Policy 6.3 specifies that buildings should incorporate setbacks and wind breaks for the benefit of nearby open spaces.*

The proposed development only provides a setback or recess on its eighth story. This is inconsistent with the diagram shown below Policy 6.3 which suggests recesses in a 'wedding cake' effect as the building becomes taller. One recess as shown on the plans submitted by the applicant does not comply with this design feature nor creates enough of an effect to minimize shadow on the adjacent private open space to the east at Pacific Place.

- *Planning Code Policy 7.2 under Residential Livability provides that proposed developments should "provide wind protection and sun exposure to private and common open space areas."*

The proposed building with eight stories as shown does not comply with this policy since sun exposure to the common open space area of the private residential development to the east of the adjacent 1840 Washington Street, (Pacific Place) is shaded at varying hours and seasons of the year.

- *Planning Code Policy 7.3 under Residential Livability specifies that residential open space requirements be maintained and expressed through "a variety of recreation and open space features."*

The Planning Commission originally approved the development of Pacific Place directly adjacent to the subject site partly because of the open space amenities provided. The already approved and heavily utilized common open space for this private residential development should not be compromised by approving a project that will adversely affect them.

- *Planning Code section 206 specifies that residential districts should encourage residential development that will meet outstanding community needs, provide adequate indoor and outdoor spaces for its occupants, and relate well to the character and scale of existing neighborhoods and structures.*

Pacific Place development was approved by the City's Planning Department, in part because of the open space amenities it provided for its occupants. This outdoor space will be obliterated in shade by the new building at 1840 Washington Street. Why approve an exceptional residential project as Pacific Place to then turn around and degrade it by approving a project directly adjacent to it that will diminish the use of this common outdoor space. The Planning Department should not compromise those amenities by approving a project that will adversely affect their usefulness by substantially decreasing their exposure to the sun.

Additionally, as shown in the sun shadow study prepared for the applicant and subsequent one commissioned by Pacific Place, to varying degrees, the new building would cast shadow on portions of Pacific Place building facades and windows which results in compromising the interior quality of the dwelling units. The effects related to direct shadow falling on the building's windows involve decreased levels of natural light available within the residences. At 3pm in September and 4pm in June, shadows cast by an eight-story would reach the Pacific Place building façade including some windows. However, during the same time periods, a six-story building would not cast shadow directly onto the Pacific Place building. An eight-story building would cast some amount of shadow on the Pacific Place building façade during afternoon hours of a good part of the year as discussed above.

- *Planning Code section 253 requires a conditional use permit for any R district structure that exceeds 40 feet in height. The applicable height map for 1840 Washington Street limits the building to a maximum of eighty feet.*

Based on the plans submitted by the applicant, the proposed development appears to be taller than 80 feet as measured from grade at Washington Street to the top of the 8<sup>th</sup> story and has exceeded the maximum height. This is inconsistent with this code section.

- *Planning Code section 303 provides that the Planning Commission may grant a conditional use permit only if it finds: 1) That the proposed use, at the size and intensity contemplated, will provide a development that is necessary or desirable for, and compatible with, the neighborhood, 2) That such use as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements in the vicinity, and 3) That such use as proposed will comply with the applicable Code and will not adversely affect the Master Plan.*

Based on the reasons provided above, the Planning Commission should not grant a conditional use permit for the proposed development as designed. If the proposed development is inconsistent with the General Plan, the appropriate findings required by this Planning Code section cannot be made and the conditional use permit cannot be granted. The proposed residential building must be scaled back and designed in a manner which complies with the City's General Plan, Van Ness Corridor Sub-area Plan, and City's Zoning Code.

#### Specific Revisions to the Initial Study:

- **Page 1, Project Description:** Provide the actual building height. An approximate figure is given, however, the building elevations suggest a building taller than 80 feet. If the building is actually taller than the maximum allowed even with a conditional use permit, the environmental document is misleading.
- **Page 10, Compatibility with Existing Zoning and Plans:** A variance is required because one of the proposed units on the second floor does not meet the dwelling unit exposure requirement. This requirement should be explained and the reason for this request provided in the environmental document.

The environmental document should address specifically how the project is consistent or inconsistent with each of the provisions of the City's General Plan, Van Ness Sub-Area Plan, and the City Zoning Code that relate to this project.

- Page 11: The environmental document suggests that the project, as proposed, is consistent with the General Plan. However, there are a number of policies noted previously in this letter that are not noted in this section of the Initial Study. There are, in fact, policies in which this proposed project does not comply with related to environmental issues.
- Page 13: Visual Quality: The proposed project is not consistent with the visual character of the neighborhood. The subject site is mid-block on Washington Street. Neighboring buildings on this blockface other than Pacific Place at 1800 Washington Street are much shorter in height as the buildings are four to six stories. The new building will obviously protude above the other buildings on this blockface and disrupt the streetscape in its current form. Pacific Place is an exception because it is on a corner at an intersection of a wide street, Van Ness Avenue, which visually is different from a mid-block building on a side street.

The document indicates that "some reduced private views and increased shade would be an unavoidable consequence of the project and would be an undesirable change for those individuals affected, the proposed project would not substantially degrade or obstruct scenic views from public areas." The proposed project would substantially increase shade; however, some of the shadow can be avoided by reducing the scale of the project, which would result in less of an impact to the adjacent property. This is discussed previously.

- Page 17: Traffic: "Vehicles parked on the street in front of the project site can restrict the sight distance for drivers of vehicles exiting the 1800 Washington garage. This is an existing condition, which would not be exacerbated further by development of the proposed project." Actually, the 1840 Washington project would exacerbate this situation because it will be repeated in that drivers exiting the 1860 Washington building will have restricted sight distance even with cars unloading passengers in front of the proposed building. This should be corrected.
- Page 19: Construction Impacts: "The left (northernmost) lane of Washington Street in the project block may have frequent closures during the concrete, substructure and supersubstructure phases of the construction. Lane and sidewalk closures are subject to review and approval by the Department of Public Works (DPW)." The left lane and sidewalk closures would restrict the ability for residents of Pacific Place to exit their property that would result in a temporary significant impact for these occupants. There needs to be language in the Initial Study which indicates that residents at Pacific Place development will not be restricted from exiting their garage at any time.

Additionally, a construction management plan should be required which indicates the details of how and where storage of materials, staging, construction parking, road blockage plan, and construction transportation routes are proposed. This plan needs to be reviewed by the neighbors in the vicinity of the project for their agreement of the construction management plan. Also, to ensure that the demand of on-street parking does not exceed the available supply of parking on Washington Street, the contractor must establish a shuttle system to require that workers park at a

designated spot elsewhere except those workers who must have their vehicle at the site and for which there is adequate parking. This requirement should be noted in the Initial Study because otherwise construction management issues related to traffic would result in a temporary significant impact to residents on Washington Street.

- Page 20: Noise: The times of construction should also indicate that construction will be prohibited on weekends and designated holidays.
- The environmental document should also note that the applicant shall be responsible for removal of debris generated from construction of the proposed project that ends up on the 1800 Washington Street, (Pacific Place development), including, but not limited to the bamboo planters on top of the garage, the courtyard, swimming pools, spa, all landscaped areas, and lobby areas. Additionally, that for the duration of construction, the applicant shall provide quarterly cleaning or as needed based on property owners' input for all windows and exterior walls of the Pacific Place development.
- Page 22: Shadows: The statement about peak usage hours of the pool/patio area is incorrect. Peak usage hours during the Summer and Fall on weekends may be from late morning to late in the afternoon as people using the pool and courtyard utilize the area and move around the common open space as the sun moves across the property. This should be corrected in the Initial Study.

The statement indicating that the shadow study found that there would be little to no impact on the pool/patio area during the peak usage hours of 11:00 a.m to 2:00 p.m. is inaccurate. As noted in previous discussions in this letter, at 2pm during September, the eight-story building would shade virtually the entire swimming pool, This increase a 20% increase the amount of shadow on the pool/courtyard area over the current situation. One could hardly characterize shading an entire swimming pool "little to no impact." The shadow effect of an eight story building on the adjacent, existing, common open space area is a substantial impact.

This section should be revised better describe the shadow effect of the new building on the common open space/courtyard area of Pacific Place.

In conclusion, I cannot support the proposed project as designed and find the Preliminary Mitigated Negative Declaration as written to be misleading based on the reasons provided above. A number of modifications as noted must be made to the document to accurately reflect the environmental effect of the proposed development on the surrounding vicinity. As noted, the proposed development is inconsistent with the many of the policies in the General Plan, Van Ness Corridor Sub-area Plan, and City's Zoning Code.

Sincerely,



Lorraine Weiss  
1800 Washington Street, #218  
Pacific Place property owner



**FAO: Nannie Turrell**  
**By fax: 415 558 5991**

Thursday, March 10, 2005

Nannie Turrell  
San Francisco Planning Department,  
1660 Mission Street, Suite 500,  
San Francisco,  
CA 94103

Judy Wilks  
1701 Jackson St, # 801  
San Francisco  
CA 94109

**Case file number: 2004.02202E**  
**Re: Proposed development of 1840 Washington Street**

Dear Ms. Turrell

As a resident of Pacific Place (1701 Jackson Street), I am directly affected by the proposed development of the Teevan building at 1840 Washington Street.

I have read the Preliminary Mitigated Negative Declaration published on February 19 and do not believe that it adequately reflects the city's Planning Code provisions that protect public and private open spaces and their access to sunlight. I would like to request that the document be amended to take these provisions into account and, specifically, their implications for Pacific Place. For the reasons listed in this letter, I request that the development not be allowed to proceed in its current eight-story form.

Specifically, the provisions I refer to include:

- Planning Code section 206
- Van Ness Corridor sub area plan policies 5.4, 5.5, 6.3, 7.2, 7.3

For example, Planning Code Policy 7.2 states that "proposed developments should provide wind protection and sun exposure to private and common open space areas."

The shadow studies prepared by the developer of the proposed building clearly show that it will significantly block sunlight to Pacific Place's common open space area. The proposed 80-ft development is therefore inconsistent with the Planning Code provisions listed above.

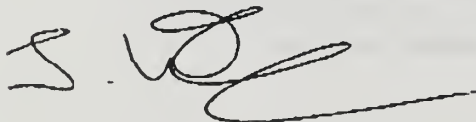
I understand that one of the Planning Department's requirements for the development of Pacific Place itself was that a common open space area and appropriate amenities be provided. The proposed Teevan building development will severely compromise those very amenities, rendering the original stipulation nonsensical.

In addition to the above, I would like to request that the Preliminary Mitigated Negative Declaration be amended to clarify a number of other points.

1. Page 10 - Please explain how one of the proposed units does not meet the dwelling unit exposure requirement.
2. Page 17 - As a resident who regularly uses the 1800 Washington Street garage exit, I fail to see how the new development could not exacerbate the existing problems with vehicle line-of-sight when exiting the garage. I request that the Planning Department explain and review its position on this matter and amend the Negative Declaration document accordingly.
3. Page 19 - The Declaration states that the left-hand lane of Washington Street will be frequently blocked during construction, but does not take into account that this will also block the only garage exit from Pacific Place. How will this issue be addressed? This should be covered in the Negative Declaration.
4. I would like to request a construction management plan that outlines how the developer proposes to address certain important issues such as material storage, road blockage, parking of vehicles related to the project, etc.
5. Page 20 - I request that construction not be permitted on weekends or holidays.
6. I am also concerned about the effects of construction debris on Pacific Place. I request a stipulation that the developer be responsible for removal of all construction-related debris from Pacific Place and cleaning of all areas and surfaces affected by the construction.

To summarize, I request that a/ the Preliminary Mitigated Negative Declaration be revised to take into account the Planning Code provisions relating to the protection of open space areas, and b/ that the height of the proposed development be reduced in order to conform to the Planning Code provisions mentioned above.

Yours sincerely,



Judy Wilks



CYNTHIA K. BRATTESANI, DDS.

---

**URGENT**

Nannie Turrell  
San Francisco Planning Department  
1660 Mission Street Suite 500  
San Francisco, CA 94103

Case file number: 2004.02202E  
Re: proposed development of 1840 Washington Street

Dear Ms. Turrell,

I am writing as a concerned local resident of 1800 Washington Street #718 opposing the above development in its current form.

First of all, I believe that the Preliminary Mitigated Negative Declaration Published on February 19 does not adequately take into account certain provisions of the SF of the planning Code including the General Plan and the Van Ness Corridor sub area plan. I request that the document be amended.

I am aware of the Planning Code section 206, for instance—a provision that protects the city's public AND private open spaces and the access to sunlight. Pacific Place has conducted studies by a developer which indicates that the new building at 1840 Washington Street will substantially decrease the sun exposure available to the pool area.

I have a 7 year old son that has swimming as his passion. It was one of the deciding factors to purchase my present condo. As you well know the weather in San Francisco does not permit much outdoor swimming but when it does, SUNSHINE is a must. This tall building will destroy the original intention of Pacific Place's courtyard.

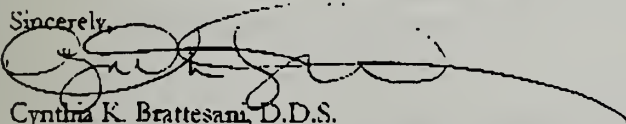
The Planning Commission ORIGINALLY approved the development Pacific Place itself partly because of the open space amenities. I ask that the Commission NOT compromise those amenities by approving a project that will adversely affect them.

To many persons dismay, if for any reason this proposed above project is approved, then I request that provisions be made that never shall our exit garage be blocked (consider emergencies)...that never shall the construction proceed during the weekends or holidays (young children live in our building)...that the construction management plan outline how the developer proposes to store materials, avoid road blockage, park vehicles during construction.

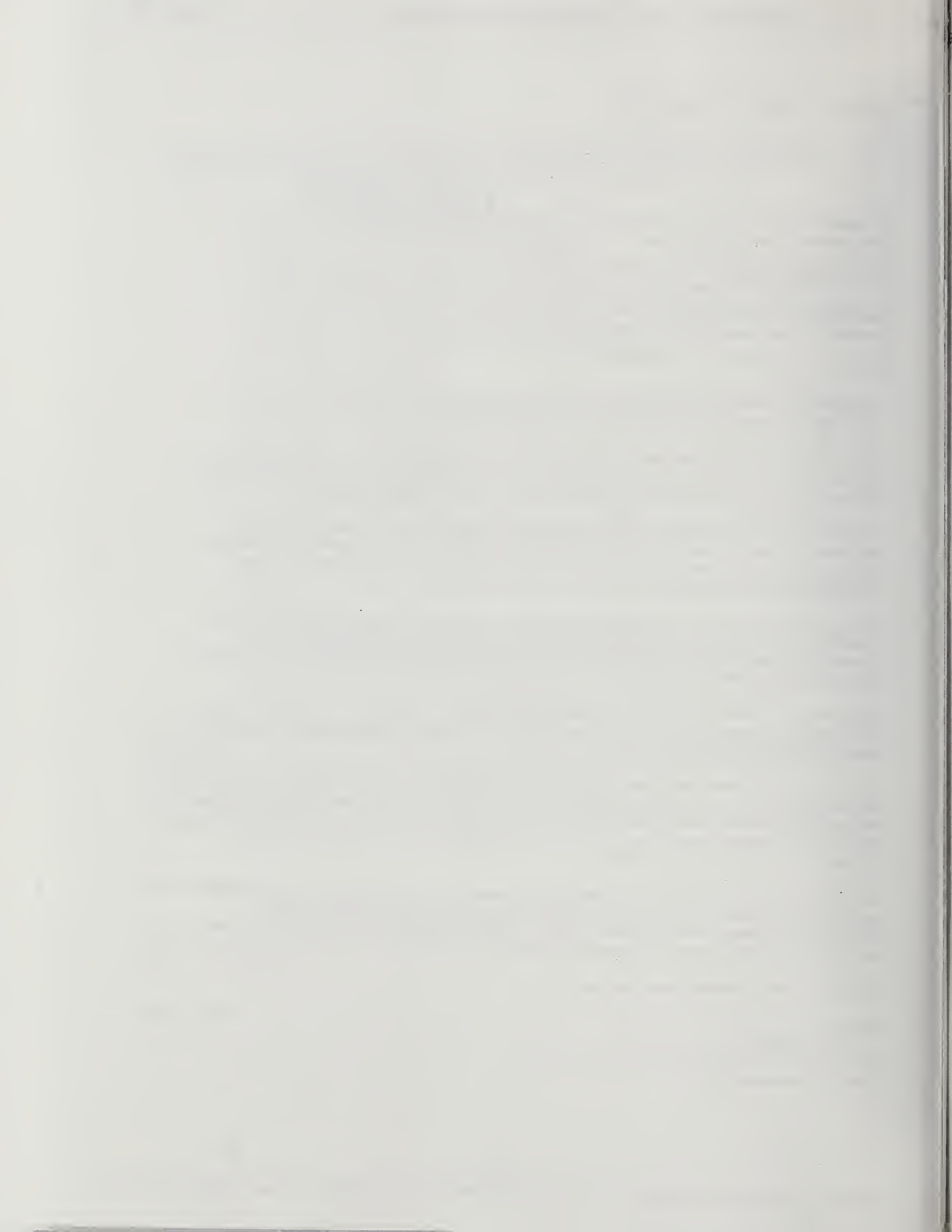
The Planning Commission really should think this development through before approving it. I would request that you drive by and see the beauty of Pacific Place and understand how the proposed development will change the neighborhood, block the sunlight, increase the traffic, minimize the parking and overall significantly reduce the enjoyment of many living in this area.

Thank you for your consideration in this matter,

Sincerely,



Cynthia K. Brattesani, D.D.S.



Case 204.02202E.

March 10, 2005

Nannie Turrell  
San Francisco Planning Department  
1660 Mission Street  
Ste 500  
San Francisco, Ca 94103

Delivered by: fax to (415) 558-5991 and copy mailed

Dear Ms. Turrell:

I am a resident of the Pacific Place condos at 1800 Washington Street. I live in Unit 819, so my unit is directly affected by the Teevan project.

I am totally against a building eight stories high. I am not against a building 4-6 stories high, or a 6-7 stepped back building alternative.

My reasons are as follows:

- 1) I have borderline Seasonal Affective Disorder, which means that I have a problem when there is not enough sunlight, and the shadowing of my unit would have really negative effects on my health, so this is an issue pertaining to Item (4) of the Mandatory Findings of Significance, "would the project cause substantial adverse effects on human beings, either directly or indirectly?" The answer is yes.
- 2) It is not acceptable to me that the new building would cast shadows on our building façade, windows and pool, which is in the report provided by the developer of the new building at 1840 Washington Street.

A two or three story reduction in the height of the proposed building would significantly reduce its shadow impact. That is acceptable to me.

- 3) The proposed development at the higher stories will adversely affect the use of Pacific Place's open space and is therefore inconsistent with the General Plan Policies for the protection of open space and Planning Section 101.1 that prohibits development that compromises access of sunlight to open spaces.
- 4) The Planning Commission originally approved the development of Pacific Place itself partly because of the open space amenities provided. I request that the Commission not compromise those amenities by approving a project that will adversely affect them.
- 5) I also have concerns about road blockage, removal of debris, quarterly cleaning of windows and exterior walls during and after construction.

With these points in mind, I request that the Preliminary Mitigated Negative Declaration published by the City on February 19 be amended.

I look forward to your reply.

Thank you very much.



Margaret Ghirardelli Lawrence  
1800 Washington Street Unit 819  
San Francisco, Ca. 94109  
Mlawr10484@aol.com , (415) 775-2333, fax (415) 775-2320

Ann M. Heimberger  
1800 Washington St., #913  
San Francisco, CA 94109  
(415) 409-0616

March 11, 2005

Nannie Turrell  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

*Via Facsimile: 415-558-5991*

Re: Case file number: 2004.02202E  
Proposed development of 1840 Washington Street

Dear Ms. Turrell,

I am a resident of Pacific Place at 1800 Washington and I believe that I and my neighbors will be directly and severely affected by the proposed development of the Teevan Building at 1840 Washington Street. I am writing to oppose the development as it is currently planned, for the reasons stated below.

I believe that the Preliminary Mitigated Negative Declaration published by the city on February 19, 2005, does not adequately take into account certain provisions of the San Francisco Planning Code, including the General Plan and the Van Ness Corridor sub area plan. I believe and request that the document be amended to comply entirely with the Code. For example, there are numerous provisions in the Planning Code that protect the city's public and private open spaces and their access to sunlight. These include: Planning Code section 206 and Van Ness Corridor sub area plan policies 5.4, 5.5, 6.3, 7.2, and 7.3.

A crucial part of the Pacific Place common area is a beautiful recreational courtyard including a pool and spa, lounging space and greenery areas. In fact, part of the reason that the Planning Commission originally approved the development of Pacific Place was because of the open space amenities provided.

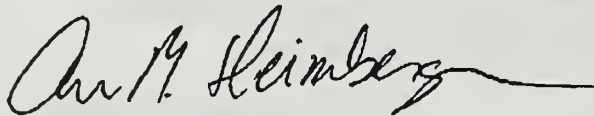
Understandably, sun exposure is an important part of the enjoyment of this common area, particularly the greenery and pool area.

The new building at 1840 Washington Street will substantially decrease the sun exposure available to Pacific Place's common recreational area, according to shadow studies conducted by the developer. As a result, the proposed development will adversely affect the use of Pacific Place's open space and is therefore inconsistent with the General Plan Policies for the protection of open space and Planning Code section 101.1 that prohibits development that compromises access of sunlight to open spaces. I vehemently request that the Commission not compromise these open spaces at Pacific Place by approving a project that will adversely affect them. It makes no sense to encourage the development of Pacific Place's common areas only to turn around 4 years later and allow another development to encroach upon them. Preventing this type of thing is exactly why the city has a planning department.

I understand that changes could be made to the building plan that would have less of an adverse effect on our common areas, such as decreasing the height of the building. The planning department must consider these other options as a way to balance its goal of encouraging development of new homes with its efforts not to decrease neighbors' enjoyment of their own existing homes.

Thank you for your consideration and response to my concerns.

Very truly yours,



Ann M. Heimberger

March 11, 2005  
Peter Lee  
1701 Jackson St., #505  
San Francisco, CA 94109

Nannie Turell  
San Francisco Planning Department  
1660 Mission St., Suite 500  
San Francisco, CA 94103  
Fax:415-558-5991

To San Francisco Planning Department:

I am writing to oppose the planned development of the Teevan building at 1840 Washington St. into an eight-story, 80-foot high condo complex. As a resident of the Pacific Place condominium complex, I feel that I would be directly affected by the development in its current form.

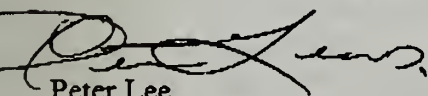
The Preliminary Mitigated Negative Declaration published by the city on Feb. 19<sup>th</sup> does not adequately take into account certain provisions of the San Francisco Planning Code, including the General Plan and the Van Ness Corridor subarea plan. I request that the document be amended.

Since shadow studies conducted by the developer indicate decreased sun exposure available to our common recreational area, this is inconsistent with the General Plan Policies for the protection of open space and Planning Code section 101.1 that prohibits development that compromises access of sunlight to open spaces.

Other concerns about the project that I would want clarified would be a construction management plan that outlines how the developer proposes to store materials, avoid road blockage and park vehicles related to the project. I request there The Preliminary Mitigated Negative Declaration be amended that it must be a condition of the approval of the project that Pacific Place residents never be restricted from exiting our site at any time.

While I am not opposed to the concept of constructing a condominium at 1840 Washington St., I request that such construction not be so high as to block our sunlight in our recreational area and that it not interfere in the traffic and exit lanes on Washington St.

Thank you for your time and consideration,



Peter Lee





Friday, March 11, 2005

**Nannie Turrell**  
**San Francisco Planning Department,**  
1660 Mission Street, Suite 500,  
San Francisco,  
CA 94103

**Case file: 2004.02202E**  
**Re: Proposed development of 1840 Washington Street**

Ms. Turrell

I am a resident of Pacific Place at 1701 Jackson Street. I write with regard to the proposed development of 1840 Washington Street and the Preliminary Mitigated Negative Declaration released February 19<sup>th</sup>.

I ask that the document be amended to take into account the city's planning code provisions for the protection of public and private open spaces and their access to sunlight. These provisions are Planning Code section 206 and Van Ness Corridor sub area plan policies 5.4, 5.5, 6.3, 7.2, 7.3.

This issue directly impacts Pacific Place. According to shadow studies shown to us by the developer, the proposed 80-foot development at 1840 Washington Street will dramatically and adversely affect the sun exposure of Pacific Place's open space. This contravenes the above-mentioned policies.

I understand that one of the Planning Department's requirements for the development of Pacific Place itself was that a common open space area and appropriate amenities be provided. The proposed Teevan building development will severely compromise those requirements, contradicting the original board ruling so recently made.

In addition to the above, I would like to request that the Preliminary Mitigated Negative Declaration be amended to clarify a number of other points.

1. Page 10 - Please explain how one of the proposed units does not meet the dwelling unit exposure requirement.
2. Page 17 - I use the 1800 Washington Street garage exit. I do not understand how the proposed development could not worsen existing problems with vehicle line-of-sight when exiting the garage. I request that the Planning Department explain and amend the Negative Declaration document accordingly.
3. Page 19 - The Declaration states that the left-hand lane of Washington Street will be frequently blocked during construction, but does not take into account that this will also block the only garage exit from Pacific Place. How will this issue be addressed? This should be covered in the Negative Declaration.

4. I would like to request a construction management plan that outlines how the developer proposes to address certain important issues such as material storage, road blockage, parking of vehicles related to the project, etc.
5. Page 20 - I request that construction not be permitted on weekends, holidays, or weekday evenings.

I request the following:

1. That the Preliminary Mitigated Negative Declaration be revised to take into account the Planning Code provisions relating to the protection of open space areas, and
2. That the height of the proposed development be reduced in order to conform to the Planning Code provisions mentioned above.

Thank you in advance,

A handwritten signature in black ink, appearing to read 'Stephen Parastatides', is written over a vertical line that serves as a separator between the signature and the typed name below.

*Stephen Parastatides*

1701 Jackson St, # 801  
San Francisco  
CA 94109

1800 Washington St. #411  
San Francisco, CA 94109

Nannie Turrell  
San Francisco Planning Department  
1660 Mission St. Suite 500  
San Francisco, CA 94103

Case file number: 2004.02202E  
Re: Proposed development of 1840 Washington St.

Dear Nannie,

I am writing to oppose the planned development at 1840 Washington Street in its current form as I am a resident that will be directly affected. Shadow studies have been conducted by the developer showing that the new development will substantially decrease sun exposure available to Pacific Place's recreational common area. In addition, this proposed development will adversely affect the use of Pacific Place's open space, which is inconsistent with the General Plan Policies for the protection of open space and Planning Code section 101.1 prohibiting developments that compromises access of sunlight to open spaces.

As construction begins on this new development, I would like to request the following: construction occur only during the weekdays and not during any holidays and a construction management plan which outlines how the developer proposes to store materials, avoid road blockage, park vehicles related to the project. In addition to this, I would like to request an additional condition of approval: the developer should be help responsible for removal of all debris from Pacific Place resulting from the construction. This would include, but not limited to the following: debris in the courtyard, swimming pool, spa and all landscaped areas.

Please take these matters into consideration before going ahead with this development.

Thank you very much for your time,

  
Jennifer Wei





"Marc Joffe"  
<joffemd@yahoo.com>

05/15/2005 02:00 PM

Please respond to  
joffemd

To: <nannie.turrell@sfgov.org>, <c\_olague@yahoo.com>,  
<suelee@chsa.org>, <bill.lee@sfgov.org>, <sbbpr@pacbell.net>,  
<wordweaver21@aol.com>

cc: "Roland Stone" <rolandstone@earthlink.net>,  
<gerstle@mindspring.com>, <ajgomes@yahoo.com>, "Lorraine  
Weiss" <weisslorraine@hotmail.com>, <judithwilks@yahoo.com>,  
"Christina Chau Nguyen" <chauchristine@yahoo.com>, "Henry Lee"  
<h\_lee04@yahoo.com>, "Joe Belluomini" <joe@coitstaffing.com>,  
"Lori Eppstein" <leppstein@neteze.com>, "Michael Alfaro"  
<titan\_mgmt@hotmail.com>, "Pacific Place Owners Assn."  
<pacificplacehoa@earthlink.net>, "Robin Romo"  
<rromo@titanmg.com>

Subject: Planning Commission Item 2004.0220E: 1840 Washington Street

To: San Francisco Planning Commission

From: Marc Joffe  
1800 Washington Street Apt 519  
San Francisco, CA 94109

Date: May 15, 2005

Re: 2004.0220E, 1840 Washington Street

I would like to register my opposition to the proposed project, which would replace a 28-foot tall warehouse structure with an 80-foot tall condominium building.

I live in the Pacific Place community immediately west of the structure. Our swimming pool and courtyard abuts the 1840 Washington property. Each October, our community holds a pool party - so that neighbors can get to know one another, have a day in the sun and enjoy some friendly swimming competitions. By about 4pm, the shadow cast by the warehouse building chills the air and darkens the sky to such an extent that we have to abandon the pool and end the festivities. If the new structure is built as proposed, the hour of reckoning will move well up into the early afternoon, making it difficult for us to continue this important social event.

Of course, this is only one event. But it epitomizes the loss of life quality and social interaction that increase shadowing from the proposed structure will cause.

While I appreciate the need for housing in San Francisco, I urge the Planning Commission to ask the developer to change his plans for 1840 Washington Street so that our amenity can be preserved. A substantial set back or a lowering of the building height where it casts a shadow over the pool during the warmer months of September and October would be especially welcome.

I note that the current plan actually creates a significant amount of new open space at the rear of the property - since the current structure does not provide any open space and the new structure is designed to meet current guidelines. If the Planning Commission were allow the developer to use some of this space, the neighbor at the north end of the property would still realize some benefit, the developer could create almost as much square footage as is now proposed, and we can continue to enjoy our pool. To me, this seems like the best solution for everyone.

Regards,  
Marc D. Joffe  
(415) 771-7497





